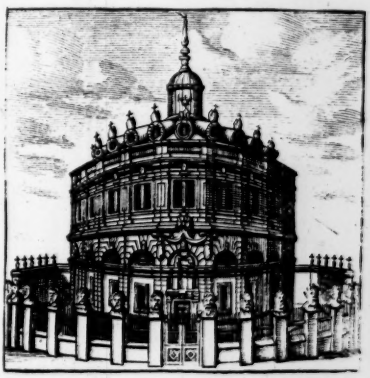
ANIMADVERSIONS
ON THE
EIGHT THESES
Laid down, and the INFERENCES,
Deduced from them, in a *DISCOURSE*
ENTITL'D
Church-Government.
PART. V.
Lately Printed at OXFORD.

They went out from Us, because they were not of Us: for if they had been of Us, they would [redacted] no doubt have continu'd with Us; but they went out that they may be made manifest, that they were not all of Us. 1 Joh. 2. 19.



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JO. VENN

Vice-Can. Oxon.

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To the UNIVERSITY READER.

THESE *Papers neither have, nor need any other recommendation, then that of the Cauſe which they maintain. They are extorted by the importunity of thoſe Adverſaries, who have endeavour'd to wound us in all our neareſt concerns, The Honour of our Univerſity, the Autority of our Church, and the Rights of our Sovereign. The* Laborious Author *of the* Diſcourſes *ſpar'd no pains to ſhake the foundations of our Religion; and the* deſigning Publiſher *has with no inconſiderable expence, endeavoured a farther advantage from them, by caſting a reproach upon theſe Seminaries of our Education. But it is juſtly hop'd, that their deſigns againſt the Univerſity will prove as ſucceſsleſs as their attempts on the Church; Of which we know, that* tho' the Rains deſcend, the Flouds come, and the Winds blow, yet it cannot fall, for it is founded upon a Rock. *The hopes of our Enemies abroad have been entertain'd, and the ſolicitude of our Friends awaken'd by the news of our Oxford Converts daily flocking into the boſom of the Roman Church. But we hope All men are by this time convinc'd that they deſerve as little conſideration for their Number, as they do regard for their accompliſhments. No one need to be alarm'd at the Deſertion of Six or Seven Members, who ſhall conſider their dependence on* One *who by the Magazines, which He had ſtor'd up againſt Us, ſhews that He has not now firſt chang'd his Complexion, but only let fall the Vizour. Nor ought we more to regard the Inſinuations of thoſe, who tell us of the ſecret Promiſes of ſuch as have not openly Profeſt, as having no other ground but the confidence of the Reporters. But be it as it will,* God covers us with his Feathers, and under his Wings will We truſt; We will

will neither be afraid of the arrow that flieth by day, nor for the Peſtilence that walketh in darkneſs: *But we leaſt of all fear any danger from this præſent attempt of our Author, ſince the Regal power ſeems engag'd with our Church in one common defence; For ſhe is no farther concern'd in this preſent Controverſie, then as ſhe is accus'd to have been too great a friend to the Prærogative of the Crown. And certainly that Doctrine which invades the juſt Rights of the Prince, can hope but for few Proſelytes amongſt thoſe, who have conſtantly defended them in their* Writings, *aſſerted them in their* Decrees, *and upon all occaſions vindicated them with their* Swords. *For We do not lie open to the imputation of a condition'd and diſtinguiſhing Loyalty, who have ſhew'd our readineſs to imitate the glorious examples of our Fathers, and were prepar'd (had not God's good Providence prevented our ſervice) to have tranſcrib'd that Copy lately at* Sedgmore, *which they ſet us formerly at* Edge-hill. *And in truth our ſteady fidelity to the Prince is ſo unqueſtionable, that our Enemies have been pleas'd to ridicule what they could uot deny, and have made Paſſive Obedience bear a part in our Character, when the Muſe has been inclin'd to Satyr.*

As for our Author and his Theſes *there is nothing here advanc'd which was not in King* Edwards *time fully anſwer'd by Proteſtant Writers; and had he written in* Henry the 8th's *Reign, he might have receiv'd a Reply from a Roman Catholic Convocation; So vain is it to urge Us now with the ſtale pretences of a Forreign Juriſdiction, which our Anceſtors of the Roman Communion ejected with ſo Univerſal a conſent, and which our Fathers of the Reformation reſiſted even unto death; I mean thoſe Glorious Prelates, who here dying ſeal'd the truth of our Religion with their Blood, and left it as a Legacy to us their Children, by us to be convey'd to the Generations yet to come.*

Animadverſions on the Eight Theſes &c.

AS that Perſon, who would prove himſelf a genuine Son of the Church of England, had need of more Sincerity then this Editor ſhew'd, whilſt He profeſt to be of Her Communion; ſo one, who has the ambition of appearing a potent Enemy againſt her, had need of greater Strength then he has either produc'd of his own, or borrow'd from others, ſince he has been her declar'd Adverſary. Had he continued ſtill to diſſemble his Faith, and affected an æquilibrium betwixt both Churches, His writings would have been more ſuitable to ſuch a Character; where the attentive Reader will find the Church of England but weakly attacq'd, and that of Rome as faintly vindicated. But ſince ſome Motives have prevail'd with him to aſſume the Name of another Church, as that which he has left has no great cauſe to lament the loſs of ſuch a Member, ſo that which He would ſeem to have fled to will have little reaſon to boaſt that She has gain'd a Proſelyte. For how plauſibly ſoever He may diſcourſe of Church-Autority, He abounds in too great a *Plerophory* of his own ſenſe, to ſubmit himſelf either to a Convocation at home, or Council abroad; and altho' he would appear an Enemy to *Luther*, he ſeems at this very time to be drawing up a novell Scheme of Doctrines, and modelling to himſelf a new Church.

Hence it is that in one of his Treatiſes he has deſerted

the antient Plea of Tranſubſtantiation, upon which the Tridentine Fathers founded their Adoration of the Hoſt; and from which all the great Champions of that Church have conſtantly deduc'd it. Hence his modifying the Council's *Sacramentum* into *Res Sacramenti*, his preſcinding from the Symbols, his certain inferior *cult* only due to them, his ſtripping them even of the Schoolmens *latricall, qualified, ſecondary, improper, accidental coadoration*; and ſuch other his abſtractive Notions of that Worſhip, as do indeed befit a *Nominal* Philoſopher, but have no agreement with the avowed doctrines and practiſes of the Roman Communion. Hence it is that in the Diſcourſe we are now upon, We read nothing of the *Dominus Deus Papa* of the Canoniſts; Nothing of the Vicar of Chriſt; the Holy, Apoſtolick, and Infallible See which their former Writers have endeavour'd to eſtabliſh *Jure divino*; Nothing of the Supreme Paſtour, Governour and Head of Chriſt's Church, the Succeſſor of S. Peter, and other Titles which even our Repreſenters of late (whoſe buſineſs it hath been to mollifie) have furniſh'd us with; No not ſo much as of the *modeſt Biſhop of Meaux's* Primacy of S. Peter's chair and common Center of Catholic Unity; but inſtead of theſe we are told of a *Weſtern Patriarch*, one who pleads the Preſcription of ſome Years for his Autority, and thinks himſelf
pag. 21. hardly dealt with, that becauſe He claims more then his due, that which is his due ſhould be denyed him. Hence it ſeems to be that He is ſo wary in giving us his own Opinions; that He diſputes ſo much, and affirms ſo little; that he bounds all his Poſitions with ſo many limitations that they ſeem contriv'd on purpoſe for ſubterfuges; and that He very cautiouſly ventures not any farther then He thinks, tho' falſly, the Autority of our Writers will bear him out. Hence thoſe Conceſſions (which

(which will perhaps by that Party be judg'd over-liberall) "That Images, and ſo the veneration or worſhip §. 117.
"of them were very ſeldom, if at all, us'd in the Primi-
"tive Church. That the publick Communion was then
"moſt commonly, if not allways, adminiſtred in both
"kinds unto the People. That the Divine Service which
"then, as now, was celebrated uſually in the Latin or
"Greek Tongue, was much better in thoſe days then
"now underſtood of the Common people. That the
"having the Liturgy, or Divine Service, or the Holy
"Scriptures in a known tongue is not prohibited, nor
"the uſing of Images enjoyn'd; nor the Prieſt's admi-
"niſtring, and the people's receiving the Communion in
"both kinds, if the Supreme Church-Governours ſo
"think fit (and we ſay they ill diſcharge the Office of Church-Governours, who do not *think fit* our Saviours Inſtitution ſhould be obſerv'd) "declar'd unlawful by
"any Canon of any Council. Ancient Council he means, for latter Councils have declar'd theſe unlawful. Theſe are large grants from a *Romaniſt*, and which give a great ſhock to their ſo much magnified pretence of Univerſal Tradition. Had this Author liv'd in thoſe Ages when the Secular Prince countenanc'd the beginnings of Reformation, He would have ſcarce loſt any thing for his too rigorous adhæſion to the C. of Rome. For he thinks it probable "that had the Reformation only tranſlated the §. 118.
"former Church Liturgies and Scriptures into a known
"tongue; adminiſtred Communion in both kinds,
"thought fit not to uſe Images; changed ſomething of
"practiſe only without any deceſſion from the Churches
"Doctrines, the Church-Governours would have been
"facile to licenſe theſe. Where by the way it ſeems ſomething unintelligible how they ſhould *change practice* without *deceſſion* from *Doctrines*, if Doctrines enjoyn'd

pag 2. §. 2. ſuch Practices, and if according to him, *Errours in practice allways preſuppoſe ſome Errour in matter of Faith.* But at leaſt we may expect He would have *outwardly* complied, ſince he notes, "That ſome outward compli-
pag. 140. §. 123. "ance at the firſt, of thoſe Biſhops, who made an open "Oppoſition afterward, might be upon a fair Pretence, be-"cauſe the firſt Acts of the Reformation might not be ſo "inſupportable as the latter. Where it is worth our Obſerving, that the very firſt Act, which gave life to the Reformation, was ſhaking off all manner of Obedience to the See of Rome, then which I believe his Holineſs, contrary to this Author's Sentiments, thinks no Act more unſupportable.

Theſe things conſider'd, We could not have had a more eaſie Adverſary then this Gentleman, and the Church has leſs reaſon to fear his open Oppoſition, then had he ſtill continued in her boſom. For it ſeems not to be his Province to publiſh what is Material againſt us, but to publiſh Much. But, God be thanked, our Religion is not eſtabliſh'd upon ſo weak a baſis, as to be overthrown by a few Theſes unprov'd, and falſly applied. Nor is it any wonder if that arguer doth not convince, who uſes for Principles Concluſions drawn from Præmiſſes, which the world never ſaw, and then aſſumes ſuch things as every one acquainted with Hiſtory is able to contradict. Certainly his Univerſity-Readers will not be very fond of the Concluſion of that Syllogiſm, whoſe Major is a *petitio principii*, & Minor a down-right falſ-hood in matter of fact. They no doubt are ſurpriz'd to find Conſequents come before their Antecedents, and Church-Government part the *5th* to have ſtept into the World (ſomewhat immaturely methinks) before the other four. But the Lawfulneſs of the Engliſh Reformation was to be examin'd, and it would have took

took up too much time to ſhew why he impos'd upon us ſuch a Teſt.

It might therefore be thought ſeaſonable enough to examin the Truth of his Theſes, when he ſhall be pleas'd to communicate to us whence they are inferr'd. In the meanwhile, it may not be unuſeful to conſider what diſſervice he had done to our Cauſe, had his ſucceſs æqual'd the boldneſs of his attempt. After all his Theſes and their Applications, his Correſpondent Alpha's and Beta's, his perplex'd Paragraphs, his intricate Paratheſes, and his tædious Citations, what Doctrine of the Church of Rome has he eſtabliſh'd, or what principle of Ours has he diſprov'd? Should we grant that the Clergy only have power in Controverſies of Religion, that the Secular Prince has no Autority to reform Errours in the Church, that our Princes did wrongfully uſurp ſuch an Autority, and that our Reformation was not the act of the Clergy; will it hence follow (which yet is to be prov'd by this Author, e're he can perſwade us to entertain any favourable Opinion of Popery) That the ſecond Commandment ought to be expung'd out of the Decalogue? that Idolatry is no Sin? or worſhipping of Images no Idolatry? that Tranſubſtantiation is to be believ'd in deſpight of Senſe, Reaſon, Scripture, and Antiquity? the Service of God to be adminiſtred in an unknown tongue, as it were in mere contradiction to Saint Paul? and the Communion to be celebrated in one kind notwithſtanding our Saviours, *Drink ye all of this*. It is indeed our happineſs, that the Reformation was carried on by the joynt concurrence of the Civil and Eccleſiaſtical power; that We are united together by common Rules for Government and Worſhip agree'd on by the Biſhops and Presbyters in Convocation, and made Laws to us by the Autority of the Sovereign:

We are allways ready to prove that the Church of England being a National Church, and not Subject to any forreign Juriſdiction, ow'd no Obedience to the Biſhop or Church of Rome, & therefore might without their leave reform her ſelf, and that accordingly our Religion is eſtabliſh'd by ſuch Laws as want no autority either Civil or Eccleſiaſtical, which they ought to have. This is a Plea which we ſhall be allways prepar'd to juſtifie; and a Bleſſing for which we thank God, and for the continuance of which we ſhall never ceaſe to pray. But now had thoſe which we eſteem corruptions of the Roman Church never been caſt out, or were they reeſtabliſh'd (which God in his mercy forbid) by as good autority as that by which they are now aboliſh'd; Yet even then we could not ſubmit to ſuch Determinations, and being concluded by an antecedent Obligation to God durſt not obey even lawful autority commanding unlawful things. He therefore that would gain a Proſelyte, who acts upon prudent and Conſcientious principles, in vain entertains him with Schemes of Church-Government, ſince the things conteſted are ſuch as no Government in the world can make lawful; It would be more rational to ſhew (were not that an attempt long ſince deſpair'd of) that the particular doctrines and practiſes to which we are invited, are agreeable to the word of God; or that it doth not concern us, whether they be, or not. For if either it may be prov'd, that the Errours of the Church of Rome were ſo great, that there was a neceſſity of reforming them, that every National Church has a right to reform her ſelf, that this right of the Church of England in particular was unqueſtionable, that ſhe us'd no other then this her lawful right, and that accordingly the Reformation was effected by the Major part of the then legal Church-Governours: Or if in failure

lure of this (which yet we ſay is far from being our caſe) it may be prov'd, that where evident Neceſſity requires, and the prevailing Errours are manifeſt, there the Civil power may lawfully reform Religion without the concurrence of the major part of the Clergy, for Secular Intereſts averſe from Reformation; Or if laſtly, ſuppoſing no ſuch Reformation made by lawful authority, but the Laws which enjoyn ſuch erroneous Doctrines, remaining in their full force and vigour, every private Chriſtian can plead an Exemption from his Obedience to them, by proving them evidently contradictory to the known laws of God; if any one of theſe Pleas are valid, all which have by our Writers been prov'd to be ſo beyond the poſſibility of a fair Reply, then Nothing which is aim'd at in theſe Papers can affect us, and tho' the author would have ſhew'd more skill in proving his Queſtion, yet he had ſtill betray'd his want of prudence in the choice of it.

By what hath been ſayd, the Reader will be induc'd to think that theſe Papers do not ſo much concern the Church of England, as the State; and that a Reply to them is not ſo properly the task of a Divine, as of a Lawyer. The Civil power is indeed manifeſtly ſtruck at, and an Anſwer might eaſily be fetcht from *Keble* and *Coke*. He may perſwade himſelf that he acts craftily, but certainly he acts very inconſiſtently, who erects a Triumphal Statue to his Prince, and at the ſame time undermines his Autority; in monumental Inſcriptions gives him the glorious and aſtoniſhing Title of *Optimus Maximus*, and yet ſets up a ſuperiour Power to his. If neither Loyalty nor gratitude could perſwade him to ſpeak more reverently, yet out of warineſs he ought to have been more cautious in laying down ſuch things, as ſeem to have an ill aſpect on his Majeſties proceedings. For

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§. 5. p. 12. it may ſeem very raſh to deny, that the Prince can remove from the Exerciſe of his Office any of his Clergy for not obeying his Deciſions in matters of a Spiritual Nature, when a Reverend Prelate ſuffers under ſuch a §. 7. p. 14. Sentence; to aſſert that the Prince, ought not to collate to Benefices, where the Clergy have Canonical exceptions againſt the Perſon nominated, whilſt a Friend of his thus qualified enjoys the benefit of ſuch a Collation; to find fault with the Reformers that they gave their Prince §. 28. p. 36. leave to diſpenſe with Laws and Conſtitutions Eccleſiaſtical, when he himſelf is in that caſe moſt graciouſly diſpens'd with. How far the Regal power extends it ſelf in theſe caſes, eſpecially as it may be limited by the municipal laws of the Realm, I am not ſo bold as to determine; but where ſuch Rights are claim'd by the Sovereign, and actually exercis'd, there it becomes not the modeſty of a private Subject to be ſo open and liberal in condemning them. But then above all he renders his Loyalty juſtly queſtionable, when he tells us it is diſputed by the Roman Doctors, and leaves it a Queſtion, §. 16. p. 20. "Whether in caſe that a Prince uſe his coactive Juriſdi-"ction in Spiritual matters againſt the Definitions of "the Church, then the Pope hath not alſo virtually "ſome Temporal coactive power againſt the Prince? "namely to diſſolve the Princes coactive Power, or to "authoriſe others to uſe a coactive power, againſt ſuch "a Prince in order to the good of the Church? Now I appeal to the judicious Reader, whether the ſubſtance of that infamous Libel, which was part of a late *Traytour's Indictment, and which was written by way of Polemical Diſcourſe, as he pleaded, might not if manag'd by this Author's pen have been thus warily expreſt; "Whether in caſe that a Prince uſe his coactive Juriſdi-

* See Sidney's Trial.

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"ction in Civil matters againſt Acts of Parliament, then "the Parliament hath not alſo virtually ſome tempo- "ral coactive power againſt the Prince; namely, to diſ- "ſolve the Princes coactive power, or to authorize others "to uſe a coactive power againſt ſuch a Prince in order "to the good of the State? Such bold Problems as theſe ought not to be left undecided; and one who had any zeal for his Prince, would ſcarce let the Affirmative ſide of the Quæſtion paſs without affixing a brand on it.

Theſe Expreſſions among others He might well be conſcious would be offenſive to any SIR *of known Fidelity and Loyalty to his Prince*; and therefore ſuch perſon's good Opinion was to be courted in an Epiſtle Apologetick. But certainly it was expected that the kind *Sir* ſhould read no farther then the Epiſtle; for if he did, he would find himſelf miſerably impos'd upon. The Author in this Epiſtle præacquaints him with theſe things.

1. "That there is nothing touch'd in this Diſcourſe "concerning the Temporal Prince his Supreme power "in ſuch matters, as it is dubious whether they be Spi- "ritual or Temporal, but only in things which are pure- "ly Spiritual and Eccleſiaſtical.

2. "That he knows not of any Eccleſiaſtical powers "in this Diſcourſe denied to the Prince, but which, or at "leaſt the chiefeſt of which, all other Chriſtian Princes ex- "cept thoſe of the Reformed ſtates do forego to Exer- "ciſe.

3. "Nor of any, but which the Kings of England have "alſo foregone before *Henry* the Eighth.

Now I ſhall humbly beg leave to undeceive the unknown *Sir*, and to repreſent to him that in all theſe he is miſinform'd. As to the firſt, 1. That there is nothing touch'd in this Diſcourſe concerning the Temporal Prince his Supreme power in ſuch Matters as it is dubi-

ous whether they be Spiritual or Temporal but only ſuch as are purely Spiritual and Eccleſiaſtical.

Now if by *dubious* he means ſuch things as He does not doubt, but they are Spiritual, then this doth not reach our caſe; becauſe *We* may *doubt* whether ſome things are not Temporal, which He *doubts* not but they are Spiritual; But if by *dubious* He means ſuch things as are *doubted* by no body but that they are purely Spiritual, then are we agreed; ſince neither do We allow the Temporal Prince any power in things of which We our ſelves *doubt* not but they are purely Spiritual. That there are ſome Powers merely Spiritual, appropriated to the Clergy and incommunicable to the Prince, no true Son of the Church of England will deny; but now altho' the ſubſtance of thoſe Powers be immediately from God, and not from the King, as thoſe of Preaching, Ordaining, Abſolving &c. Yet whether theſe are not ſubject to be limited, inhibited, or otherwiſe regulated in the outward Exerciſe of them by the Laws of the Land, and the Autority Regal is the thing quæſtion'd. This cannot perhaps be better expreſt then in the words of the Reverend Bp. *Sanderſon*; "The King doth not challenge to him-"ſelf as belonging to him by Virtue of his Supremacy "Eccleſiaſtical the power of Ordaining Miniſters, ex-"communicating ſcandalous Offenders, or doing any o-"ther act of Epiſcopal Office in his own Perſon; nor "the power of Preaching, Adminiſtring the Sacraments, "or doing any other act of Miniſterial Office in his own "perſon: but leaves the performance of all ſuch acts of "either ſort unto ſuch perſons, as the ſaid ſeveral reſpe-"ctive powers do of divine right belong to, *viz.* of the "one ſort to the Biſhops, and of the other to the Prieſts. "Yet doth the King by Virtue of that Supremacy chal-"lenge a power as belonging to him in the right of his "Crown

* Epiſcopacy not prejud. to Reg. power. p 22

" Crown, to make Laws as well concerning Preaching, " Adminiſtring the Sacraments, and other acts belonging " to the Function of a Prieſt, as concerning Ordination " of Miniſters, proceeding in matters of Eccleſiaſtical " Cogniſance in the Spiritual Courts, and other acts be- " longing to the Function of a Biſhop: to which Laws as " well the Prieſts, as the Biſhops are ſubject, and ought to " ſubmit to be limited and regulated thereby in the Exer- " ciſe of thoſe their ſeveral reſpective Powers; their claim " to a *Jus Divinum*, and that their ſaid ſeveral powers are " of God notwithſtanding. Now to apply this; That the deciding Controverſies of Faith, and Excommunicating Offenders, &c. are the proper Province of the Clergy, we deny not; but that the indicting Synods in order to ſuch Matters, or making Laws to regulate the Exerciſe of them are purely Spiritual, is not ſo *undoubted* as He would perſwade us. Again, that the Spiritual Autority which is to be exerciſed in the Epiſcopal or Sacerdotal Functions can be derived from none but thoſe ſpiritual perſons who were inveſted with that Autority, and power of delegating it to others, is willingly allow'd; but that collation to Benefices can be the act of none but the Clergy will not be hence infer'd. For the Spiritual Autority it ſelf, and the application of it to ſuch an Object are very different things. The power by which a Clergy man is capacitated for his Function is derived from the Biſhop which ordains him; but the applying this Power to ſuch a Place, the ordering that the Eccleſiaſtical Perſon ſhall execute that Autority which he deriv'd from the Church in ſuch a peculiar part of the Kingdom is not without the reach of the Civil Juriſdiction; and therefore Collation to Benefices (in the ſence this Author underſtands it) ſhould not have been reckon'd by him amongſt thoſe things of which it is not

doubted but they are purely Spirituall. Another power of which he abridges the Prince, and by consequence would have to be esteem'd purely Spiritual, is the deposing from the Exercise of their Office in his Dominions any of the Clergy for transgressing of the Ecclesiastical Canons. Now that the Secular Prince should have an Obligation from God over all Persons in all Spiritual matters to bind them by Temporal Punishments to the Obedience of the Churches or Clergy's determinations, and decrees (as he words it) and yet that the Exercising this power, their performing what they are obliged to by God, should be without the reach of their Autority, seems to me a paradox. That the Christian Emperors in the Primitive times challeng'd such a power is plain from the undoubted testimony of the Learned *Petrus de Marca*. * Who tells us, that by the care of Christian Princes, Hereticks were repress't, the contumacy of Bishops and Clergy-men against the Decrees of Synods punish'd, and Bishops restrain'd from oppressing their subjects by the violation of the Canons. If we inquire how the Princes secur'd the Keeping of the Canons; * He tells us they did it by these 2 Methods. 1st. By delegating Magistrates to see they were observ'd. 2ly. By punishing those who were guilty of the breach of them. And he particularly mentions Deprivation inflicted by the Secular power for violation of the Canons. * For that, they thought removal from the See

* Cura principum Christianorum olim non solum Hæreticorum furores compressi, contumacia Episcoporum aut Clericorum adversus Synodorum sententias rebellium ab externa potentia repressa; sed etiam Principum studio prohibiti Episcopi ne legibus secularibus vel *Canonibus* violatis injuriam subditis inferrent. De concord. l. 4. cap. 1. par. 2.

* Canonum custodiæ duobus modis prospiciebant Principes, tum delegatione Magistratuum, qui vetarent ne quid contra Canones tentaretur, tum exactis pœnis à contumacibus si quid perperam gestum esset. Ib par 4.

* In manifestissima violatione, *canonibus* factam injuriam iis pœnis Principes ulsciscebantur, quæ legibus irrogatæ erant, nempe expulsione à sede. Deturbationem enim illam quæ vacantem Ecclesiam redderet sui arbitrii esse putabant; non autem regradationem vel dejectionem ab Episcopali dignitate, quæ erat pœna mere Ecclesiastica. Ib. par. 6.

within

within the reach of their Juriſdiction, tho' not Degradation, which is a puniſhment merely Eccleſiaſtical. (Which neither did the Reforming Princes ever think in their power to inflict.) And he* there gives inſtances of Biſhops ſo depriv'd. And indeed this ſeems to be a Neceſſary branch of power, which naturally flows from his being *Cuſtos Canonum*, which he is prov'd by this Author at large to be. How far the Prince may abridge himſelf of this power by the laws of the Land, I meddle not; it ſuffices to ſhew that it is not originally a power merely Spirituall. And from this and the former Inſtances the Reader will be able to judge the truth of that aſſertion, That there is nothing touch'd in this Diſcourſe concerning ſuch Matters, as it is *dubious* whether they be Spiritual, or Temporal.

Come we now to that other aſſertion of his, "That "he knows not of any Eccleſiaſtical powers in this Di- "ſcourſe denied to the Prince but which (or at leaſt "the chiefeſt of which) all other Chriſtian Princes ex- "cept thoſe of the Reformed States do forego to ex- "erciſe.

Now if by the *chiefeſt*, which he excepts, he means preaching the word, and adminiſtring the Sacraments, Excommunicating, and abſolving; neither do the Reformed States challenge the Exerciſe of theſe; and as for others it will appear that the Princes of the Roman-Catholick Communion extend their Supremacy as far as the Reformed.

And here it may not be improper to inſtance in that right which the Kings of Spain enjoy in Sicily, which ſeems to extend even to thoſe Spiritual powers which our Author calls the *chiefeſt*. And this I find uſher'd in by a Roman-Catholick Writer with an aſſertion quite

* *Ibid.* * Hiſt. of Eccl. Rev by a Learned Prieſt in France. p. 116.

 oppoſite

oppoſite to that which is laid down in this Epiſtle. "It even ſurpaſſes (ſaith he) that which *Henry* the Eighth "of *England* boldly took when he ſeparated from the "Church of *Rome*. The King of *Spain* as King of *Si-* "*cily* pretends to be Legate *à latere*, and born Legate "of the H. See; ſo that he and his Viceroys in his ab- "ſence have the ſame power over the *Sicilians* as to "the Spiritual that a Legate *à latere* could have. And "therefore they who execute that Juriſdiction of *Sicily* "for the King of *Spain* have power to abſolve, puniſh, "and excommunicate all ſorts of perſons, whether La- "icks or Eccleſiaſticks, Monks, Prieſts, Abbots, Biſhops, "and even Cardinals themſelves, that reſide in the "Kingdom. They acknowledge not the Popes Auto- "rity, being Sovereign Monarchs as to the Spiritual. "They confeſs that the Pope hath heretofore given "them that priviledge: (*So that his Holineſs it ſeemes thought even thoſe chiefeſt Powers of the Church alienable*) "but at the ſame time they pretend that it is not in "his power to recall it; and ſo they acknowledge not "the Pope for head, to whoſe Tribunal no Appeal can "be made becauſe their King has no Superiour, as to "the Spiritual. Moreover this right of ſuperiority is "not conſider'd as delegate, but proper; and the King "of *Sicily* or they who hold Juriſdiction in his place, "and who are Lay-men take the title of *Beatiſſimo &* "*Santiſſimo Padre* attributing to themſelves in effect in "reſpect of *Sicily* what the Pope takes to himſelf in re- "gard of the whole Church; and they preſide in Pro- "vincial Councils. As for the title of *Head* of the Church which taken by the Reformers ſo much offends our Diſcourſer, this Critical Hiſtorian farther obſerves; "It was matter of great aſtoniſhment that in our age "Queen *Elizabeth* took the title of *Head* of the Church

"of

"of *England*. But seeing in the Kingdom of *Sicily*, "the Female succeeds as well as in *England*, a Princess "may take the title of *Head* of the Church of *Sicily*, and "of *Beatissimo & Santissimo Padre*. Nay it hath happen'd "so already in the time of *Jean* of *Arragon* & *Castile* the "mother of *Charles* the *5th*: *So that this Critick concludes* "*that* it may be said there are two Popes, and two sacred "Colledges in the Church, to wit, the Pope of *Rome*, "and the Pope of *Sicily*, to whom also may be added "the Pope of *England*.

What Jurisdiction Spiritual the King of *France* challenges will best be learnt from the Liberties of the Gallican Church, publish'd by the learned *Pitthæus* and to be found in his Works. Two of them which seem to come home to our purpose are these.

"* The most Christian King hath had power at all "times according to the occurrences and necessity's of "his own affairs, to assemble or cause to be assembled "Synods or Councils Provincial and National; and there- "in to treat not only of such things as tend to the pre- "servation of his State, but also of affairs which con- "cern the Order and Discipline of the *Church* in his own "Dominions; and therein to make Rules, Chapters, Laws, "Ordinances, and Pragmatick sanctions in his *own* Name "and by his *own* Autority. Many of which have been "received among the Decrees of the Catholique Church, "and some of them approv'd by General Councils.

"* The Pope cannot send a Legat *à latere* into *France*, "with

* Le Rois tres Chrestiens ont de tout "temps selon les occurrences & necessi- "tez de leur pays, assemblé ou fait assem- "bler Synodes ou Conciles Provinciaux "& Nationaux, esquels entre autres cho- "ses importantes à conservation de leur "estat, se sont aussi traitez les affaires con- "cernans l'ordre & discipline Eccleisa- "stique de leurs pays, dont ils ont faict "faire Reigles, Chapitres, Loix, Ordon- "nances, & Pragmatiques Sanctions sous "leur Nom & autorité: & s'en lisent "encor aujourd huy plusieurs ès recueils "des secrets receus par l'Eglise Univer- "selle, & aucunes approuvees par Conci- "ciles generaux.

"* Le Pape n'envoy point en France "Legates à latere avec faculte' de refor- "mer,

" with power to reform, judge, collate, or dispence, or " do such other things which use to be specified in the " Bull of his Legation, except it be upon the desire or " with the approbation of the most Christian King. " Neither can the said Legate execute his Office untill " he hath promised the King in writing under his seal, " and sworn by his holy Orders, that he will not use " the said Legantine power in his Kingdom, Countreys, " Lands and Dominions any longer then it shall please " the King; and that so soon as he is admonish'd of the " Kings pleasure to the contrary he will cease and for- " bear; and that whilst he doth use it, it shall be no " otherwise exercis'd then according to the consent of " and in conformity to the King, without attemping " any thing to the prejudice of the Decrees of General " Councils, the Franchises, Liberties, and Priviledges of " the Gallican Church, and the Universities, and pub- " lique Estates of the Realm. And to this end they " shall present the Letters of their Legation to the " Court of Parliament, where they shall be view'd, " verified, publish'd and registred with such Modifica- " tions as that Court shall think fit for the good of the " Realm; and all processes shall proceed according to " such restrictions, and no otherwise.

" mer, juger, conferer, dispenser, & tel- " les autres qui ont accoustumè d' estre " specifiees par les Bulles de leur pouvoir, " si non a la' postulation du Roy tres- " Christien ou de son consentement: & " le Legat n' use de ses facultez qu' apres " avoir baillè promesse au Roy par escrit " sous son sein, & jurè par ses Saincles Or- " dres de n' user desdites facultez e's Roy- " aume, pays, terres & Seigneuries de sa " sujettion si non tant & si longuement " qu' il plaira au Roy; & que si tost que " le dit Legat sera adverty de sa volonte' " au contraire, il s' en desistera & cessera " Aussi qu' il n' usera des dites facultez si " non pour le regard de celles dont il aura " le consentement du Roy & conforme- " ment à iceluy sans entreprendre ny faire " chose au Saincts decrets Conciles gene- " raux, Franchises, Libertez, & Privileges " de L' Eglise Gallicane & des Universi- " tez, & estatez publiques de ce Royaume. " Et à cette fin se presentent les facultez " de tels Legats a la Cour de Parlement, " ou elles sont veus, examinees, verifiees, " publiees & registrees sous telles modifi- " cations que la Cour voit estre à fair pour " le bien du Royaume: suivant lesquelles " modifications se jugent tous les proces " & differents qui surviennent pour rai- " son de ce, & non autrement.

In

In these two Liberties, we find the Autority of the *French* King farther extended, and the Papal power more limited, then our Author can be contented the Regal Jurisdiction should be enlarg'd, and the Patriarchal confined by the Reformed. What power the most Christian King claims in confirming Canons we may learn from *Petrus de Marca* * who lays it down for "a Rule which never fails, That the deliberations of the "Gallican Church can be look'd upon no otherwise then "as Counsel given to the King; and that they cannot be "put in execution without his consent and confirmation. "And he there saith, that the King may præside in Coun-"cils as * Head. * And in another place proposing to him-"self this Quæstion, * Whether, since the supreme pro-"tection of the Canons doth belong to the King, it thence "follows that He can command that they be observ'd "without expecting the sentence of the Gallican Church? "He answers, * that it is indeed certain that the Observa-"tion of them will be the more sacred, if they be made "with the Universal consent of the Clergy, because eve-"ry one desires that that should take place, which he him-"self approves of: But then, that it is æqually certain, "that the King with the advice of his Council, may by "his Edicts decree, that the Canons be observ'd, and may "add such Modes and Circumstances as are necessary for

* De Conc. l 6. c. 34. par. 2. Nunquam discedere oportet ab hac certissima Regula, deliberationes Ecclesiæ Gallicanæ considerari non posse aliter quam velut consilium Regi datum, easque executioni non posse mandari absque consensu & confirmatione ejus

* Tanquam caput, *comme Chef* Ibid.

* An ex eo quod suprema Canonum protectio ad Regem pertinet, sequatur eum jubere posse ut observentur, non expectata etiam sententia Ecclesiæ Gallicanæ?

* Certum quidem est earum constitutionum obseruationum fore sanctiorem, si conderentur cum generali Cleri consensu; quoniam unusquisque eam rem obtinere modis omnibus cupit quam ipse suo judicio comprobaverit. Nihilominus æque certum est Regem ex sententia Concilii sui, quod auget aut minuit prout ei lubet, posse latis edictis decernere ut Canones observentur, ac circumstantias & modos necessarios addere ad faciliorem eorum executionem, sive etiam ad veram eorum mentem explicandam, eosque accommodare ad utilitatem Regni lib. 6. c. 36. par. 1.

the better Execution of them, and accommodate them to the Intereſt of the State. This Autority he confirms from the Examples of the firſt Chriſtian Emperors, and the former French Kings, and adds expreſly * That the moſt Chriſtian Kings ſtill uſe that right. And now methinks the reviſing of the Canons by the Kings of *England*, eſpecially when humbly beſought to do it by the Clergy, ſhould not be an Invaſion of the Churches rights, when the French Kings even without ſuch Interpoſition of the Church, exerciſe the ſame Right, and yet do, according to *our Author*, leave to the management of the Clergy all power in Spirituals. I might here inſiſt upon Collation of Benefices, which the French Kings challenge by right of the *Regale*; but I ſhall chooſe rather to mention the aſſembling of Councils, becauſe a French King in the laſt Century ſeems to have *doubted* whether his Clergy might convene without his conſent; as appears from that bold Speech of his Embaſſadour in the Council of Trent, which becauſe it gives us ſome inſight into the freeneſs of that Synod, I ſhall beg leave to tranſcribe the latter part of it from *Goldaſtus* * "We refuſe to be ſub-"ject to the Command of *Pius* the 4*th*, All his judg-"ments and decrees we refuſe, reject, and contemn; and "although, moſt Holy Fathers, Your Religion, Life, and

* Utuntur adhuc eo jure Reges Chriſtianiſſimi. Ib par. 3.

* Collect. Conſtitut. Imperial. T. 3. "p. 373 Pii quarti imperium detracta-"mus, quæcunque ſint ejus judicia & ſen-"tentiæ rejicimus, reſpuimus, & contem-"nimus. Et quanquam, Patres Sanctiſ-"ſimi, veſtra omnium Religio, Vita, & "eruditio magnæ apud Nos ſemper fue-"rit & erit Autoritatis, cum tamen nihil "à vobis, ſed omnia magis Romæ, quam "Tridenti agantur, & quæ hic publican-"tur magis Pii Quarti placita, quam Con-"cilii Tridentini decreta jure æſtimentur, "denunciamus & *proteſtamur* quæcunque "in hoc conventu, hoc eſt, ſolo Pii nutu "& voluntate decernuntur & publicantur "ea neque Regem Chriſtianiſſimum pro-"batarum, neque Eccleſiam Gallicanam "pro decreto Oecumenici Concilii habi-"turam. Interea quotquot eſtis Galliæ "Archiepiſcopi, Epiſcopi, Abbates, Do-"ctores, Theologi, Vos omnes hinc ab-"ire Rex Chriſtianiſſimus jubet, reditu-"ros ut primum Deus Optimus Maximus "Eccleſiæ Catholicæ in Generali u; "Conciliis antiquam formam & liberta-"tem reſtituerit, Regi autem Chriſtianiſ-"ſimo ſuam dignitatem & Majeſtatem.

Learning

" Learning was ever and ever ſhall be of great Autority " with Us, Yet ſeeing *You* do nothing, but all things are " manag'd rather at *Rome*, then at *Trent*; and the things " that are here publiſh'd are rather the *Placita* of *Pius* the " 4*th*, then the Decrees of the Council of *Trent*, We de- " nounce and *proteſt* here before You all, that whatſoever " things are decree'd in this Aſſembly by the will and " pleaſure of *Pius*, neither the Moſt Chriſtian King will " ever approve, nor the French Church ever acknowledge " for the Decrees of an Oecumenical Council. In the " mean time the Moſt Chriſtian King commands all you " his Arch-Biſhops, Biſhops, Abbots, Doctors, and Di- " vines to depart hence; then to return, when it ſhall " pleaſe God to reſtore to his Catholick Church the anci- " ent methods and liberty of General Councils, and to " the Moſt Chriſtian King his Honour and Dignity. Now I leave it to the Reader to judge whether any Reformed States ever aſſumed to themſelves greater Autority over the Eccleſiaſticks, then this R. Catholick Prince, or Whether ever any Proteſtant expreſt himſelf with greater warmth concerning this Council, then that *Proteſting* Embaſſador. It might be eaſie to ſhew how much power the *Venetian* Republick exerciſes in Spirituals, had not this been done ſo lately by another Pen. But what hath been ſaid may ſuffice to evince, that this Epiſtolographer impos'd upon the credulity of his *Sir*, when he told him, " that he knew of no Eccleſiaſtical " powers denied to the Prince but which (or at leaſt the " chiefeſt of which) all other Chriſtian Princes, except " thoſe of the Reformed State, do forego to exerciſe.

But our Diſcourſer perhaps preſum'd his Friend a Stranger to forreign affairs, and therefore thought he might the more ſecurely uſe a Latitude in his treating of thoſe; it remains therefore to examine whether he

has been a more faithful Relator of our own Hiſtory, and what truth there is in his laſt Epiſtolary aſſertion, that "he knows not of any Eccleſiaſtical powers in "this Diſcourſe denied to the Prince, but what the "Kings of *England* have foregone before *Henry the 8th.* Now whatever in relation to a power in Spirituals is in this Diſcourſe accus'd of Novelty ſeems eaſily reducible to theſe two Heads:

1ſt. A Supremacy in Cauſes Eccleſiaſtical denied to the *Weſtern Patriarch*: as appears by our Princes taking away all manner of Forreign Juriſdiction, prohibiting all appeals to the See of *Rome*, all Bulls from it, and in generall all Intercourſe with it.

2ly. The ſame Supremacy inveſted in the Sovereign; as appears by King *Henry's* aſſuming the title of *Head* of the Church; by the Kings making Eccleſiaſtical Laws; by that Synodical act of the Clergy not to aſſemble or promulgate any Canons without his leave; by that power granted to the King to viſit Eccleſiaſtical perſons, and to reform Errours and Hereſies; by his collating to Benefices without conſent of the Clergy; and by hindring Excommunications *in foro externo.*

Now in Anſwer to this charge of Novelty; It is confeſt that the Pope did for ſome Years uſurp ſuch a ſuperiority; but then, as it is granted that he did *de facto* claim ſuch a power, ſo that it did *de jure* belong to him is denied; and not only ſo, but farther we affirm, that he neither from the beginning challenged ſuch a power, nor was he afterwards in ſo full poſſeſſion of it, but that our Princes have upon Occaſion vindicated their own right againſt all Papal, or, if he pleaſeth, *Patriarchal* Encroachments. And here waving the diſpute of *right* I ſhall confine my ſelf to matter of *Fact*, that being the only caſe here controverted.

Where

Where 1ſt of the Supremacy of the *Weſtern Patriarch*. That when *Auſtin* came over to convert the *Saxons*, no ſuch Supremacy was acknowledg'd by the *Britiſh* Chriſtians is evident from the celebrated Anſwer of *Dinoth* Abbot of Bangor to *Auſtin* requiring ſuch ſubjection. *Notum ſit Vobis &c.* * "Be it known unto you "that we are all ſubject and obedient to the Church of "God, and the Pope of Rome; but ſo as we are alſo to "every good & pious Chriſtian, *viz.* to love every one in "his degree and place, in perfect Charity, and to help "every one by word and deed, to attain to be the Sons "of God; and for other Obedience I know none due "to him whom you call the Pope, and as little do I "know by what right he can challenge to be Father "of Fathers. As for us we are under the rule of the "Biſhop of *Caerleon* upon *Uske*, who is to overlook and "govern us under God. This is farther manifeſt from the * Britiſh Clergy twice refuſing in full Synod after mature deliberation to own any ſuch ſubjection. That appeals to Rome were a thing unheard of till *Anſelms* time appears from the application of the Biſhops and Barons to him to diſſwade him from ſuch an attempt; "* telling him it was a thing unheard of in this King-"dom, that any of the Peers, and eſpecially one in his "ſtation ſhould præſume any ſuch thing. That Legates from *Rome* were for 1100 Years unheard of in this Kingdom, we may learn from a memorable paſſage in the ſame Hiſtorian concerning the Arch-Biſhop of Vienna reported to have the Legantine power over *England* granted him A. C. 1100 * The News of which being

* Spelm. Conc. p. 108.
* Spelm. A. C. 601.
* Inauditum in regno ſuo eſſe & uſibus ejus omnino contrarium, quemlibet de Principibus & præcipue Te tale quid præſumere. Eadm. p. 39. 30.

* Quod per Angliam auditum in admirationem omnibus venit, Inauditum ſcilicet in Britannia cuncti ſcientes quemlibet hominum ſuper ſe vices Apoſtolicas gerere niſi ſolùm Archiepiſcopum Cantuariæ. Ead. p. 58. 41.

come to *England* was very ſurprizing to all people, every one knowing it was a thing unheard of, that any one ſhould have Apoſtolical Juriſdiction over them, but the Arch-Biſhop of Canterbury. And the event of that Legacy was ſuitable, * for as he came, ſo he return'd, being taken by no one for a Legate, nor in any thing diſcharging the office of a Legate. That the Church of *Canterbury* own'd no Superiour Biſhop to her own but Chriſt, appears from her being call'd, **Omnium noſtrum mater communis ſub ſponſi ſui Jeſu Chriſti diſpoſitione*; and in another place, *Mater omnium Anglicanarum Eccleſiarum, quæ ſuo poſt Deum proprio lætatur Paſtore.* That appeals to Rome were prohibited in King Henry the 2ds time is manifeſt from the famous *Capitula* of *Clarendon*, amongſt which this is one Article. "If any ap-"peals ſhall happen they ought to proceed from the "Arch-deacon to the Biſhop, and from the Biſhop to "the Arch-Biſhop, and if the Arch Biſhop ſhall fail in "doing Juſtice, the *laſt* Addreſs is to be made to the "King. That Doctrines prejudicial to the Popes power were then publickly maintain'd, appears from theſe Propoſitions amongſt others cenſur'd by *Becket*. 1ſt. "That "none might appeal to the See Apoſtolick on any account "without the Kings leave. 2d. That it might not be "lawful for an Arch Biſhop or Biſhop to depart the King-"dom and come at the Popes Summons without the "Kings leave. 3d. That no Biſhop might Excommu-"nicate any who held of the King *in capite*, nor Inter-"dict his Officers without the Kings leave. Which propoſitions ſo cenſur'd are ſelected out of the Capitula of *Clarendon*; to the Obſervation of which all the Arch-Biſhops, Biſhops, and other Eccleſiaſticks (even *Becket*

* Quapropter ſicut venit, ita reverſus eſt à Nemine pro Legato ſuſceptus, nec in aliquo Legati officio functus. Ibid.

* Ger Dorob. Coll. Hiſt. Angl. 1663. 24. Col. 1615. 60.

himſelf

himself amongst the rest, tho' afterwards falling of) had oblig'd themselves by a solemn Oath, acknowledging them to be the customs of the King's Predecessours; to wit, *Henry* the 1st his Grandfather, and others, and that they ought to be kept inviolable by all. To what party the Bishops were inclin'd in these differences betwixt the King and *Becket* we cannot better learn then from *Baronius*, whose severe animadversion on these Prælates, (wherein he teaches us what Kings are to expect if they displease his Holiness, and how dreadful his Fulminations be when they come out with full Apostolick vigour) the Reader may peruse in the * Margin. A like warm Expostulation upon these proceedings we meet with in *Stapleton* (*de tribus Thomis*, *in Thoma Cant.*) "* What did this *Henry* the 2d tacitly demand, "but that which *Henry* the 8th afterwards openly u- "surp'd, *viz.* to be Supreme *Head* of the Church of Eng- "land? and again * what was this, but that the King "of England should be Pope over his own Subjects? So that according to this Author, *Henry* the 8*th* was not the first of that name who pretended to be Supreme *Head* of the Church. It would be too tedious here to recite the several Statutes made in succeeding Reigns against the Popes Encroachments, *viz.* the 35 of *Edw.* 1

* Episcopi Angliæ suffraganei Sancti "Thomæ literis ejusdem sui rchiepis- "copi Apostolica legatione fungentis ex- "agitati, resilientes, haud (ut par erat) "parere mandatis, salubres admonitio- "nes suscipere, Catholicæ Ecclesiæ uti- "litati consulere, vendicantes eam à mi- "serrima servitute studuerunt, sed ex ad- "verso oppositi pro Rege contra ipsum "scriptis, verbis, factisque repugnant, ac "tantum abest ut (quod eorum muneri "erat, ad quod & suis eos literis excitave- "rat ipse Sanctus) adversus Regem pro "Ecclesia starent, redarguerent, & com- "minarentur; ostentantes quæ in ar- "cu sagittæ paratæ erant ad feriendum, "censuras nimirum Ecclesiasticas ab Ec- "clesia Romana Apostolico vigore pro- "deuntes, ut potius adversus eundem pro "Ecclesiæ libertate pugnantem Sanctis- "simum Virum bella cierent, telis oppe- "terent jurgiorum, in scandalum omnium "ista audientium Episcoporum Ortho- "doxorum. Bar. An. A. C. 1167.

* Quid aliud hic Henricus secundus recte postulavit, quam quod Henricus Octavus completa jam malitia aperte usurpavit, nempe ut supremum Ecclesiæ caput in Anglia esset?

* Quid hoc est aliud, nisi ut Rex Angliæ sit apud suos Pap?

25 *Edw.* 3. *Stat. de proviſoribus.* 27 *Ed.* 3. *c.* 1. 38 *Ed.* 3. *c.* 1. 2. 4. *ſtat.* 2. 2 *Ric.* 2. *c.* 3. 12 *R.* 2. *c.* 15. 13 *R.* 2. *ſtat.* 2. *cap.* 2. 16 *R.* 2. *c.* 5. 2 *Hen.* 4. *cap.* 3. 2 *Hen.* 4. *cap.* 4. 6 *Hen.* 4. *cap.* 1. which ſpeaks of horrible miſchiefs and a *damnable* cuſtom brought in of new in the Court of Rome. 7 *Hen.* 4. *cap.* 6. 8. 9 *Hen.* 4. *cap.* 8. 3 *H.* 5. *c.* 4. Which ſee collected by *Raſtal* under the title of *Proviſion* and *Præmunire.* fol. 325. It may ſuffice to add the Opinion of our * Lawyers that the Article of the 25 of *Hen.* 8. *c.* 19. concerning the prohibition of appeals to *Rome* is declaratory of the ancient laws of the Realm; * and accordingly the Laws made by King *Henry* the 8*th* for extinguiſhing all forreign power are ſaid to have been made *for the Reſtoring to the Crown of this Realm the Ancient right and Juriſdictions of the ſame.* Which rights are deſtructive of the Supremacy of the Pope, as will farther appear by our 2*d* Inquiry, how far the Regal power extended in Cauſes Eccleſiaſticall? Where

1*ſt.* As to the title of *Head* of the Church, we find that * King *Edgar* was reputed, and wrote himſelf *Paſtor Paſtorum*, the *Vicar* of Chriſt, and by his Laws and Canons aſſur'd the world he did not in vain aſſume thoſe titles; * That our Forefathers ſtil'd their Kings *Patrons Defenders, Governours, Tutors,* and *Protectors* of the Church. And the King's Regimen of the Church is thus expreſt by King *Edward the Confeſſor* in his laws. *Rex quia Vicarius ſummi Regis eſt, ad hoc eſt conſtitutus, ut regnum terrenum, & populum Domini, & ſuper omnia Sanctam veneretur Eccleſiam ejus, & regat, & ab injurioſis defendat. Leg. Edw. Conf. apud Lamb.* Where it is plain that he challenges the power of Governing the Church

* Cokes Inſt. l. 4. c. 74. * 1. Eliz. c. 1. * Twiſd c. 5. par. 2. * Chap. 5 par. 74. c. 6. par. 8.

as

as being the Vicar of God, ſo that it was but an Artifice in Pope Nicholas the Second to confer on the ſame King as a priviledge delegated by him, what he claim'd as a right deriv'd immediately from God *. "To you (ſaith that Pope to the Confeſſor) and your "Succeſſours, the Kings of England we commit the "Advowſon of that place, and power in our ſtead to "order things with the advice of your Biſhops. Where by the way if we may argue *ad hominem* this Conceſſion gives the King of *England* as much right to the Supremacy over this Church, as a like Grant from another Pope to the Earl of *Sicily*, gives the King of *Spain* to his Spiritual Monarchy over that Province. But the Kings of England derive their Charter from a higher Power. They challenge from S^t. *Peter* himſelf to be * *Supreme*, and from S^t. *Paul* that * *every Soul* ſhould be ſubject to them. And the extent of their Regal power may be learn'd from S^t. *Auſtin* who teaches us "* that "the Divine right of Kings, as ſuch, authorizeth them "to make Laws not only in relation to Civil Affairs, "but alſo in matters appertaining to divine Religion. In purſuance of which.

2*ly*. As to the power of making Eccleſiaſtical Laws; That the Kings of England have made Laws not only concerning the External Regimen of the Church, but alſo concerning the proper Functions of the Clergy, namely the Keyes of Order and Juriſdiction, ſo far as to regulate the Uſe of them and oblige the Perſons entruſted with them to perform their reſpective Offices, is evi-

* Vobis & poſteris veſtris Regibus Angliæ committimus advocationem ejuſdem loci, & omnium totius Angliæ Eccleſiarum, & ut vice noſtra cum Concilio Epiſcoporum ſtatuatis ubique quæ juſta ſunt.

* 1 Pet. II. 13. * Rom. XIII. 1.

* In hoc Reges, ſicut eis divinitus præcipitur, Deo ſerviunt in quantum Reges ſunt, ſi in Regno ſuo bona jubeant, mala prohibeant, non ſolum quæ pertinent ad humanam ſocietatem, verum etiam quæ pertinent ad divinam Religionem. Aug. contra Creſcon. l. 3. c. 51.

dent to any one, who ſhall think it worth his leiſure to peruſe ſuch Laws yet extant. A Collection of the Laws made by *Ina*, *Alfred*, *Edward*, *Ethelſtan*, *Edmund*, *Edgar*, *Ethelred*; *Canutus*, and others we have, publiſh'd by Mr. *Lambard*, in which we meet with Sanctions concerning Faith, Baptiſm, Sacrament of the Lord's Supper, Biſhops, Prieſts, Marriage, Obſervance of Lent, appointing of Feſtivals, and the like. And here it may not be unſeaſonable to urge an Autority which our Editor cannot juſtly decline; I mean Mr. *Spelman jun.* in his Book *de Vita Alfredi* written by him in Engliſh but Publiſh'd in Latin by the Maſter of Univerſity College in *Oxford*, in the Name of the *Alumni* of that Society. This Author, ſpeaking of the Laws made by King *Alfred* in Cauſes Eccleſiaſtical, makes this Inference from them. "* Theſe "Laws do therefore deſerve our particular Obſervation, "becauſe from them it is evident that the Saxon Kings "*Alfred* and *Edward* were of Opinion that they had a "Supremacy as well over Eccleſiaſtical perſons as "Lay-men; and that the *Church* which was within "their Dominions was not out of their Juriſdiction, or "ſubject to a forreign Power and exempted from the "Laws of the Countrey, as *Becket*, *Anſelm*, and others "afterwards fiercely contended. *And again*; *From his "(King *Alfred's*) laws it is evident either that the Ro- "man Supremacy was not yet riſen to that heighth as "in after Ages, ſo as to leſſen the Juriſdiction of Chri- "ſtian Princes, or if it was, yet that King *Alfred* did

*. "Hæ leges hactenus obſervationem "merentur, quod ex iis conſtat, etiam il- "lis temporibus, Reges Saxonicos Alfre- "dum & Edvardum ſenſiſſe ſe Suprema- "tum habere tam in Eccleſiaſticos, quam "in Laicos, neque Eccleſiam, quæ in ip- "ſorum ditione eſſet, eſſe quid peregri- "num, vel Principi alicui extraneo ſub- "ditam, domi autem Civitatis legibus ſo- "lutam, quod Anſelmus, Beckettus, ali- "ique deinceps inſecuti acriter contende- "runt. Vita Alfr. lib. 2. par. 12.

"* Ex ipſius (Alfredi) legibus conſtat vel "Suprematum illum Romanum iſtis qui- "dem temporibus nondum eo modo, quo "poſterioribus ſæculis, ſeſe extuliſſe, ſci- "licet ut Chriſtiani Principes anguſtius "regnarent; vel ſi eatenus pertigerit, non "tamen eo uſque ſe ei adjeci ſſe Alfred. ib.

"not

" not ſo far ſubject himſelf to it. Nay ſo far was King *Alfred* from paying any ſuch Subjection that we are told "* He found out a way to ruine and deſtroy that " Univerſal Empire which the Romaniſts in thoſe dark " Ages had newly founded and were haſtning to finiſh. Which is ſpoken in reference to his reſtoring the ſecond Commandment expung'd out of the Decalogue, of which thus that Author; "* And here it may not be " paſs'd over, that in reciting the Decalogue, the ſecond " Commandment concerning the not making of graven " Images was according to the uſe of the 2*d* Nicene " Council, which was celebrated an 100 Years before, " in its place omitted. But that this defect might be " ſupplied out of the context of the Holy Bible, after " that which we call the Tenth Commandment, ano- " ther was added to complete the juſt Number, in theſe " words, Thou ſhalt not make to thy ſelf any Gods of " Gold; Which being added by the King himſelf as it " doth argue the Church to have been corrupt in her " Doctrine, ſo it is a teſtimony of the Kings Orthodoxy. From which one Inſtance it is plain that, contrary to the pretenſions of our Author, King *Edward* the 6*th* was not the 1*ſt* that took upon him to Reform Liturgies; for King *Alfred* here reſtores the Decalogue to its primitive Integrity: to judge what is agreeable to the word of God; for He ſupply's the defect, which he finds in the Miſſal, from the Scriptures: to judge

" * Rex viam ingreſſus eſt, qua univer- " ſali iſti Imperio, quod craſſis tempori- " bus recens extruxerant (Pontificii) & " abſolvere deproperarant, ruinam & ex- " cidium minaretur. l. 3. par. 98.

" * Neque hoc ſane penitus omittendum, " videtur, quod inter Decalogum recitan- " dum ſecundum quidem Præceptum de " ſculptilibus non faciendis ex uſu ſecundi " Concilii Niceni ante centum annos ce- " lebrati ſuo loco plane prætermiſſum eſt. " Veruntamen ut ex ipſo Sanctorum Bib- " liorum contextu quod deeſt ſuppleretur, " poſt decimum quod dicimus mandatum " aliud inſuper ad juſtum Numerum ab- " ſolvendum, adjicitur. Non tibi facies " Deos aureos. Quod, cum ab ipſo Rege " ſubjungitur, Eccleſiam jam tum corrupti " dogmatis arguit, rectæ autem confeſſi- " onis Regi teſtimonium perhibet. l. 2. " par. 5.

contrary to the Determinations of the Church; for the Church is here ſaid to have been corrupt in that Doctrine in which the King was Orthodox; to alter the Conſtitutions of General Councils becauſe repugnant to the law of God; for this Omiſſion of the Commandment was *ex uſu ſecundi Concilii Niceni*, and the Worſhipping of Images here forbidden was introduc'd by that Council which the Romaniſts acknowledge General. Theſe paſſages cited I take to be ſome of the *perperam ſcripta* which the Publiſher of that life mentions in the * Præface. And accordingly we find that whatſoever is advanc'd againſt the Papal Autority in the Text is qualified in the Comment, and it is plain that King *Alfred* was a greater Adverſary to the power of the Pope then his *Alumnus* the Annotator; ſo that it is matter of ſurprize to find him appear in the Frontiſpiece of this Treatiſe of Church Government, who was ſo great an Enemy to the Anti-regal deſigns of it.

3*ly*. As to the power of calling Synods, we need no more to clear this point then the very words of the Statute by him urg'd. 25 *Hen.* 8. *c.* 19. Where it is ſaid, "that the Kings Humble and Obedient Subjects "the Clergy of the Realm of England had acknow-"ledg'd according to the truth that the Convocation "of the ſame Clergy is, always hath been, and ought "to be aſſembled only by the Kings Writ. Which is farther evident from the ancient form of calling and diſſolving Synods by a Writ in each caſe directed to the Arch-Biſhop of Canterbury, as may be ſeen in D. *Heylin* *. The Clergy did indeed before this act of King *Henry* 8*th* promulge and execute thoſe Canons by their own autority, which they here promiſe not to

* Errores (Authoris) retinuimus, & perperam ſcripta medicari potius, quam tollere maluimus. * Ref. Juſtif. p. 1. c. 2.

put

put in Execution without the King's consent. But since no such Canons could be put in ure till made; nor be made but by the Clergy assembled, nor the Clergy be assembled but only by the King's Writ; this executing of Canons did in effect as much before this Statute as after depend upon the King's pleasure.

4*ly*. As for visiting Ecclesiastical persons, and reforming Errors and Hæresies by proper Delegates, this is a necessary consequence from the Supremacy they challeng'd. Without such a Power how shall the Confessor *regere Ecclesiam, & ab injuriosis defendere*? If such a Power as this be inconsistent with the Principles even of Roman-Catholiques, Whence is it that we find Articles sent from Queen *Mary* to Bp. *Bonner* to be put in Execution by him and his Officers within his Dioceſs? Whence is it that we find a Commission directed to some Bishops to deprive the Reformed Bishops? But to speak of former times, if our Kings had not such a Power, Whence is it that in King *Henry* the fourth's Reign upon the Increase of *Lollardy* We find the Clergy thus petitioning that Prince in the Names of the Clergy and Prælates of the Kingdom of England, * "That according to "the Example of his Royal Prædecessors He would "find out some remedy for the Hæresies and Innovati-"ons then prævailing? Whence is it that we find a Commission from that King as Defender of the Catholick Faith to impower certain Persons to seize upon Hæretical Books, and bring them before his Council, and such as after Proclamation be found to hold such Opinions, to be call'd and examined before two Commissioners, who were of the Clergy. *

* Quatenus inclytissimorum progenitorum & antecessorum vestrorum laudabilia vestigia gratiosè considerantes dignetur vestra Regia celsitudo pro conservatione dictæ Ecclesiæ Anglicanæ ad Dei laudem &c. super novitatibus & excessibus prædictis in præsenti Parliamento providere de remedio opportuno Tw. c. 5. par. 19.

* *Ibid.*

5*thly*. As for Collation of Benefices. Our learned Lawyers assure us that all the Bishopricks are of the King's Foundation, and that they were Originally Donative, not Elective; and that the full right of Investitures was in the Sovereign who signified his pleasure therein *per traditionem baculi & annuli* by the delivery of a Ring and Crosier Staff to the Person by him elected and Nominated for that Office. * Accordingly we find in the Statute of Provisors *Ed.* 3. *A.* 28. " the King call'd **Advower Paramount of all Benefices which be of the Advowrie of people of Holy Church.** *And it is there said, That* **Elections were first granted by the King's Progenitors upon a certain form and Condition, as to demand License of the King to choose, and after Election to have his Royal Assent, and not in other manner. That if such Conditions were not kept, the thing ought in reason to resort to its first Nature.**

Lastly as for Hindring Excommunications *in foro externo*, It is one of the Articles of *Clarendon*; **That None that hold of the King in capite nor any of his Houshold Servants may be Excommunicated, nor their Land interdicted, unless our Lord the King, if he be in the Kingdom, be first treated with, or his Justice, if he be abroad; so that he may do what is Right concerning him.** And amongst the *Articuli Cleri. c.* 7. It is complain'd that the King's Letters us'd to be directed to Ordinaries that have wrapt their Subjects in Sentence of Excommunication that they should assoil them by a certain day, or else that they do appear and answer, wherefore they excommunicated them. This short account, however imperfect, may suffice to shew that the Regal power in *Spirituals* challeng'd by King *Henry* the 8*th* was not quitted by his Predecessors. And if the Reader desires a more

* Cokes Instit. l. 3. S. 648.

full

full account of these things I shall refer him to Dr. *Hammond's* Dispatcher Dispatch'd. c. 2. Sect. 5. Bishop *Bramhal's* just Vindication c. 4. Repl. to the Bishop of *Chalcedon* c. 4. Sch. guarded c. 12. Sect. 3. as also to Sr. *Roger Twisden* in his Historical vindication of the C. of *England* in point of Schism; Which Learned Author has by a through insight into History, Law-books, Registers, and other Monuments of Antiquity enabled himself to give full and ample satisfaction to every unprejudic'd Reader concerning this Subject; and to convince him that this Author knew very little either of the *English* History or of his own Book, if He knew not of *any* Ecclesiastical powers in this Discourse denied to the Prince, but which were foregone by the Kings of *England* before *Henry* the Eighth.

As for what he adds, "that no more Supremacy in "such Ecclesiastical matters, as are delegated by Christ Ep. "to the Clergy and are unalienable by them to any Se- "cular power, can belong to the Princes of one time or "of one Nation, then do to any other Prince of a former "Time, or a diverse Nation, We willingly acknowledge it, since no such powers belong to *any* Prince, at *any* time, or of *any* Nation. But then there is a Supremacy in Ecclesiastical matters delegated by God to the Prince, which may be invaded by a Forreigner under a forg'd pretence of his being Head of the Church; and here Secular Laws may be made for the protection of such Rights, and for the punishment of those who shall either invade them, or vindicate such Invasion. And that person who under prætext of *maintaining the Churches rights* shall impugn the just Autority of his Sovereign *may be more a disloyal Subject in these days*, when this Autority is by the Laws vindicated from Forreign Usurpation, *then he would have been in those days*, when such Usurpation was tolerated, and conniv'd at.

Having

Having dwelt hitherto on the *Epiſtle*, and diſcover'd ſo much Inſincerity in that, which yet was to beſpeak the Reader's good Opinion of the enſuing Diſcourſe, We have no great reaſon to expect any fairer dealing in the proſecution of his deſign. And here I ſhall be excus'd if I be the ſhorter in the Examination of his *Theſes*, both becauſe they are ſuch as being propos'd only and not prov'd, it lies in our power to accept, or reject them at pleaſure; as alſo becauſe they have already undergone the Cenſure of a Noble Pen, and have not been able to abide a fair Tryall. Some of them are ſo ambiguouſly expreſt that they may be either true or falſe according to the different conſtruction they are capable of. The falſ-hood of others is ſelf-evident; But then for the better vending of theſe, ſome truths are intermix'd according to the policy of *Luther's* Antagoniſt obſerv'd by his Biographer *, "Who, to make "his bad wares ſaleable, diligently mixeth ſome ſmall "ſtock of good with evil, ſo to make this more cur-"rent, and all eaſily ſwallow'd down together by the "imprudent and credulous.

Another Artifice much practis'd by our Author is that he lays down his Propoſitions in general terms, but afterwards reſtrains them by ſuch limitations, which if adher'd to would make them utterly diſſerviceable to his Cauſe; but then when they come to be applied, the *Theſes* are refer'd to at large without any regard to ſuch limitations. Thus when in his firſt *Theſis* he has pro-
§. 3. p 4. pos'd "That it is not in the juſt power of the Prince "to deny giving the Miniſters of Chriſt licenſe to exer-"ciſe their Office, and their Eccleſiaſtical Cenſures in "his Dominions, He means he ſaith in general, for he meddles not with the Prince, his denying ſome of them

* Conſid. concerning Luther §. 48. p. 90.

to

to do these things whilst he admits others. Now if this Restraint be observ'd, then all which he would establish from this *Thesis* will come to Nothing. For he will not, I believe, presume to say that the Reforming Princes ever laid a general Interdict upon all the Clergy to prohibit them the exercise of their Ecclesiastical Functions. This is an Act which the Reformation detests, and which we leave to the charitableness of the Universal Pastor, who by Virtue of our Saviour's Command of *Pasce oves*; challenges to himself a power of depriving the flock of all Spiritual food. Thus again, When in his third *Thesis* he has asserted that the Secular Prince cannot eject from the exercise of their Office in his Dominions any of the Clergy, nor consequently the *Patriarch* from any Autority which he stands possest of by Eccleſiastical Canons, He restrains such Canons to those only *that cannot justly be pretended to do any wrong to the Civil Government.* Now he knows that all Canons which would obtrude upon us a foreign usurp'd Autority are by us *pretended* (whether *justly* or not, they will best judge who impartially weigh our Reasons) *injurious to the Civil Government.* Another Limitation of this *Thesis* is "that the Civil power may "judge, and eject, and disauthorize Spiritual Persons "for Moral and Civil Misdemeanors damageable to the "Common-Wealth; But this Limitation is forgot when from this *Thesis* He would prove the ejection of the Bishops, in Queen *Elizabeth's* time unlawful; For their Deprivation was for refusing the Oath of Supremacy made first by Roman-Catholicks in King *Henry* the 8*th's* time, and reviv'd by Queen *Elizabeth*; so that the Justice of it depends merely on the Right of the Civil power to make Oaths for the better security of their Government, and to impose such Penalties as are ex-

§. 5. p. 12.

§. 8. p. 16.

 prest

preſt in the Law on the Violators; and if ſuch Refuſal be damageable to the Common-Wealth (as it was then judg'd) then the Deprivation of thoſe Refuſers will be juſtifiable according to his own Principles. Thus again in his 8*th Theſis* When he has laid down,

§. 14. p. 18. "That as for things of meer Eccleſiaſtical Conſtitution, "Neither National Synod, nor Secular power may "make any New Canons contrary to the Eccleſiaſtical "Conſtitutions of former Superior Councils, nor re- "verſe thoſe formerly made by them. He reſtrains it to thoſe only *as neither the Prince can ſhew ſome way prejudicial to his Civil Government, nor the National* Synod *can ſhew more prejudicial to their particular Church, then the ſame Conſtitutions are to the reſt of Chriſtian Churches.* (Where by the way methinks it ſhould ſuffice if they were æqually prejudicial, for one Church is never the leſs wrong'd becauſe another ſuffers.) Now we deſire no more then the benefit of this limitation; for if the Prince may reverſe ſuch Conſtitutions when *prejudicial to Civil Government*, and the National Synod when *præjudicial to their particular Church*, and each of theſe are Judges of ſuch præjudice, (for neither doth Æquity admit, nor doth He appoint any other Arbiter) then each of theſe have as much power granted them as they challenge, which is only to alter ſuch Conſtitutions as are prejudicial to them. Having præmis'd thus much in general, and caution'd the Reader againſt this piece of Sophiſtry, which runs through the greateſt part of this Diſcourſe, I ſhall now proceed to a particular ſurvey of his *Theſes*.

As for the firſt and ſecond, I ſhall at preſent grant him that favour which he ſeems to requeſt of all his Readers, *i.e.* ſuppoſe them to be true, and ſhall content my ſelf only to examin what Inferences he deduces from them. And here I cannot but commend his Policy for ſetting his

his *Concluſions* at ſo great a diſtance from his *Præmiſſes*, for they are commonly ſuch as would have by no means agreed to ſtand too nigh together.

From his firſt and ſecond *Theſis*, "that the Clergy have "power to determine Controverſies in pure matters of "Religion, and to judge what is divine truth, what are "Errors; & that they cannot alienate this Power to the "Secular Prince; he infers That that Synodical Act of the Clergy in K. *Henry* the Eighth's time, whereby they promiſe not to Aſſemble without the King's Writ, nor when Aſſembled to execute any Canons without the King's conſent, is unlawful. Now it is to be obſerved that the Clergy neither do deny that they have a Power to determine Controverſies in pure matters of Religion, which is what the firſt *Theſis* would prove; nor do they transfer ſuch a Power on the King, which might be againſt the Tenor of the ſecond. The utmoſt which can be deduc'd hence is, That the Clergy did for prudential motives limit themſelves in the Exerciſe of one branch of their Spiritual Power; and it will be difficult for this Author to prove that He, who has a power *jure divino*, may not by *humane Laws* be limited in the Uſe of it. Husbands have a power over their Wives, Fathers over their Children, and Maſters over their Servants by the *Law of God*, and yet this power may be regulated by the *Laws of the Land*. Thus the Prieſt has a power to bind and looſe from our Saviour's Commiſſion, and yet according to this Author, before the Reformation the Inferior Clergy might not exerciſe any Church Cenſure contrary to the Commands of their lawful Spiritual Superior. Thus alſo if a General Council have power to determine matters of Faith, then according to his Principles they have power to convene in order to ſuch Determination, and this power of theirs is unalienable; and

§. 22. p. 29.

§. 27. p. 36.

yet the Romaniſts will not allow that ſuch Conventions may be made at pleaſure, but that the *hic & nunc* are determinable by the Pope, who only has power to indict Councils, and to give Autority to thoſe decrees, which yet derive their power from the Council's being infallible, and from the Holy Ghoſt aſſiſting them.

Another Act, which from the ſame *Theſis* he accuſes of Injuſtice, is "the Clergy's beſeeching the King's High- "neſs that the Conſtitutions and Canons Provincial and "Synodal, which be thought prejudicial to the King's "Prerogative Royal, or repugnant to the Laws and "Statutes of this Realm, or to be otherwiſe overmuch "onerous to his Highneſs and his Subjects may be "committed to the judgment of his Highneſs, and of "32 Perſons, 16 of the Temporalty, and 16 of the "Clergy of this Realm to be choſen and appointed by "the King's Majeſty, and that ſuch Canons, as ſhall be "thought by the more part of them worthy to be an- "null'd, ſhall be made of no value, and ſuch other of "the Canons as ſhall be approv'd to ſtand with the Law "of God &c. ſhall ſtand in power. Now it is to be conſider'd that the Laws, which the Clergy here deſire may be revis'd, are of a far different Nature, and therefore the Inſpection of them may well be committed to different Judges. Some of them were ſuppos'd *prejudicial to the King's Prærogative Royal, or repugnant to the Laws of the Realm*, and here the Lay-Commiſſioners, being perſons of the upper and lower Houſe of Parliament (ſee the Stat.) were the beſt Judges; Of others it was to be enquir'd Whether they were *agreeable to the word of God or not*, and here the Clergy were ready to give their Determination. And altho' they both acted in a joynt Commiſſion yet no good reaſon ſeems

§ 25. p. 31.

aſſigna-

assignable why both Lay and Ecclesiastical Judges should be appointed, but that, the matters to be examin'd being of different cognizance, those which related to *Civil* Affairs should be determin'd by the *Temporalty*, those which were of a *Spiritual* Nature by the *Spiritualty*. And if so, then the deciding of these matters is not transfer'd from the Spiritualty to the Temporalty, but from one part of the Clergy to another. And this He himself, after all his descants upon this Act, confesseth, For, "whatever sense the words in the Præface of this "Act were or may be extended to, I do not think "the Clergy at first intended any such thing, as to make "the King or his Commissioners Judges of matters "of Faith or Divine truth: and for this Opinion of his He gives us his Reasons in that, and the subsequent pages. §. 26. Ib.

Another Act, which is by this Author judg'd contrary to his first *Thesis*, is that Statute of King *Henry* the eighth which orders "that no speaking, holding, or doing a- "gainst any Laws call'd Spiritual Laws made by "Autority of the See of Rome, which be repugnant to "the Laws and Statutes of the Realm, or the King's Præ- "rogative shall be deem'd to be Hæresie, from which he "infers that the King and Parliament undertake to be "Judges of Hæresie. Now the King and Parliament do not here in my Opinion take upon them to decide matters of Faith, but only to Enact that in such a case the Subject shall not suffer the Punishment usually inflicted on Hæreticks; Whether such speaking or doing be Hæresie or not, they have power to ordain that it shall not be deem'd so *i. e.* the Speaker shall not suffer as an Hæretick. Something parallel to this we have in that *Statute of much concernment* (to use our Author's expression of another Act) made 23. *Eliz.* c. 1. Wherein it is § 34 p. 39.

enacted that **The Persons who shall withdraw any of the Queens Majesties Subjects from the Religion established by Law to the Romish Religion, shall be to all intents adjudg'd as Traytors, and shall suffer as in cases of High Treason, and the like of Persons willingly reconcil'd.** Where without disputing whether every such Reconciler, or Reconciled, is necessarily for that Act *ipso facto* a Traytor, all that is here enacted is that he shall suffer as such; For it is undoubtedly within the reach of the Civil Power to ordain where they will inflict or not inflict their Secular Punishments, without being accountable for this to any Autority under God's. And it seems very hard that if a Subject expresses himself, or acts against such Laws of a Forreigner as are repugnant to the Laws of his own Country, there the Prince cannot exempt him from a Writ *de Hæretico comburendo* without invading the Churches right.

§. 43. p. 56. Another Act condemn'd by Virtue of his *1st* and *2d Theses* is "The Convocation's granting to certain persons "to be appointed by the King's Autority to make Ec- "clesiastical laws, and pursuant to this, 42 Articles of "Religion publish'd by the Autority of King *Edward* "in the *6th* Year of his Reign. Now not to engage my self in a dispute Whether these Articles were not really what in the Title præfix'd they are said to be? *Articuli de quibus in Synodo London, A. D. 1552. ad tollendam opinionum dissentionem, & consensum veræ Religionis firmandum inter Episcopos & alios eruditos Viros convenerat, Regia autoritate in lucem editi*, I shall only accept of what

§. 166. p. 187. is by him granted that *de illis convenerat inter Episcopos & alios eruditos Viros qui erant pars aliqua de Synodo London.* So that here is only a part of the Synod employ'd in drawing up these Articles, and not any Jurisdiction Spiritual transfer'd from Eccleſiastial persons

ſons to Secular, which was by him to have been prov'd.

Another Inference, which he deduces from theſe *Theſes*, is the Unlawfulneſs of the Oath of Supremacy. Now how far the Regal Supremacy is by us extended, will beſt be learnt from our Articles. ★ "The King's Majeſty "has the chief power in this Realm of England, and "other his Dominions: Unto whom the chief Govern- "ment of all Eſtates of this Realm, whether they be Ec- "cleſiaſtical or Civil, in all cauſes doth appertain, and is "not or ought not to be ſubject to any forreign Juriſdi- "ction. So far for the extent of this power; but now for the reſtraint. "Where we attribute to the King's "Majeſty the chief Government, by which Titles we un- "derſtand the minds of ſome *ſlanderous folks* to be of- "fended, We give not to our Prince the miniſtring ei- "ther of God's word, or of the Sacraments, the which thing "the Injunctions alſo, lately ſet forth by Q. *Elizabeth* do "moſt plainly teſtify, but that only Prerogative which "We ſee to have been given always to all Godly Princes "in Holy Scriptures by God himſelf, that is, that they "ſhould rule all Eſtates and degrees committed to their "charge by God, whether they be Eccleſiaſtical or Tem- "poral, and reſtrain with the Civil Sword the Stubborn "& evil doers. It is therefore by our Author to be prov'd that they who give no more to their Prince, then *hath been given always to all Godly Princes in Holy Scripture by God himſelf*, do alienate to the Secular Governour any Autority or Office which they (the Clergy) have receiv'd and been charg'd with by Chriſt, with a command to execute the ſame to the end of the World; which being a Contradiction I leave it to him to reconcile.

§. 185. p. 214.

*Art. 37.

That by this Oath, or any other Act of Queen *Elizabeth* a greater Power was either aſſum'd by her ſelf, or given to her by Others, then is conſiſtent with that Auto-

Autority that is given by our Saviour to the Church will be very difficult for any Reaſonable man to conceive who ſhall have recourſe to the Injunction of this Queen to which this very Article refers us; "* Where "ſhe declares that ſhe neither doth nor ever will chal- "lenge any Autority, but what was challeng'd and lately "us'd by the Noble Kings of famous memory King *Henry* "the 8*th*, and King *Edward* the 6*th*, which is and *was* "*of Ancient time* due to the Imperial Crown of this "Realm; that is, under God to have Sovereignty and "Rule over all manner of Perſons born within theſe "her Realms, Dominions, and Countreys, of what E- "ſtate either Eccleſiaſtical or Temporal ſoever they be; "ſo as no other forreign Power ſhall or ought to have "any Superiority over them. And if any Perſon that "hath conceited any other ſenſe of the form of the ſaid "Oath, ſhall accept the ſame Oath with this Interpre- "tation, ſenſe, or meaning; Her Majeſty is well pleas'd "to accept every ſuch in that behalf as her good and "Obedient Subjects; and ſhall acquit them of all man- "ner of penalties contain'd in the act therein men- "tion'd, againſt ſuch as ſhall peremptorily and obſtinate- "ly refuſe to take the ſame Oath. So that it's evident from this Injunction that it's no way here ſtated what Autority belongs to the Church, and what to the Civil Magiſtrate, farther then that the Queen (as juſtly ſhe might) challenged what was due of Ancient time to the Imperial Crown of this Realm, and neither did nor would challenge more; but what that was, is not here determin'd; and ſhe is content without ſuch Determination, if any Perſon would take this Oath in ſuch a ſenſe as only to exclude all forreign Juriſdiction whether Eccleſiaſtical or Civil.

* Sparrow's Collection pag. 83. Lond. 1684.

Another

Another Act which He finds repugnant to his 1*ſt*. *Theſis* is King *Henry the 8th's* claiming a right that no Clergy-man, being a Member of the Church of England, ſhould exerciſe the power of the Keys in his Dominions in any Cauſe or on any Perſon without his leave and appointment. But it is to be remembred that the Eccleſiaſtical Cenſures aſſerted to belong to the Clergie in the firſt *Theſis* have reference to the things only of the *next* world; but the cenſures here ſpoken of, are ſuch as have reference to the things of *this* world. The Habitual Juriſdiction of Biſhops flows, we confeſs, from their Ordination; but the Actual exerciſe thereof in publick Courts after a coercive manner is from the gracious Conceſſions of Sovereign Princes. pag. 36.

From the 1*ſt* and 2*d* *Theſis* "he farther condemns the "taking away the Patriarch's Autority for receiving of "Appeals, and exerciſing final Judicature in Spiritual "Controverſies, as alſo the taking away the final judg-"ing and deciſion of ſuch Controverſies not only from "the Patriarch in particular, but alſo from all the Cler-"gy in general, not making the Arch-Biſhop of *Can-"terbury* or Convocation, but himſelf or his Subſti-"tutes the Judges thereof. For which he refers us to *Stat.* 25. *H.* 8. 19. c. But in that Statute I find no mention of a *Patriarch*, or *Spiritual Controverſies*, but only that in cauſes of Contention having their commencement within the Courts of this Realm no Appeal ſhall be made out of it to the Biſhop of *Rome*, but to the Arch-Biſhop of *Canterbury*, and for want of Juſtice in his Courts to the King in Chancery; Upon which a Commiſſion ſhall be directed to ſuch Perſons as ſhall be appointed by the King definitively to determine ſuch Appeals. Here is nothing of *determining Controverſies in pure matters of Religion*, *of deciding what is* pag. 99.

Gods word, and divine Truth, What are Errors in the faith or in the practiſe of Gods Worſhip, and Service, nor any of the other *Spiritual* powers by him enumerated in the 1*ſt Theſis*; Or if any ſuch Quæſtions should be involv'd in the Cauſes to be tried, Why may not the Commiſſioners, if Secular, judge according to what has been prædetermin'd by the Clergy? or let us ſuppoſe a caſe never yet determin'd, How doth he prove a power of judging in ſuch cauſes transfer'd on ſecular Perſons, ſince if Occaſion requir'd, the Delegates might be Perſons Eccleſiaſtical?

But not only the Acts of *State* and *Church*, but the Opinions of our Doctors are to be examin'd by his Teſt,
p 240. and therefore from the ſame *Theſes* he cenſures that Aſſertion of Dr. *Heylin**, that it is neither fit nor reaſonable that the Clergy ſhould be able by their Synodical Acts to conclude both Prince and People in *Spiritual* matters, until the ſtamp of Royal Autority be imprinted on them. Now it is plain to any one that views the Context, that the Dr. ſpeaks of ſuch a concluding the Prince and people in matters *Spiritual*, as hath influence on their *Civil* rights. For he there diſcourſes of the Clergy under King *Henry* obliging themſelves not to execute thoſe Eccleſiaſtical Canons without the *Kings* conſent which formerly they had put in Execution by their *own* Autority. But the Canons ſo executed had the force of *Civil* Laws, and the Violators of them were obnoxious to *Secular* puniſhments. The Dr. therefore very juſtly thought it unreaſonable any ſhould be liable to ſuch Puniſhments without *His* conſent, who only has the power of inflicting them; Nor is this inconſiſtent with our Authors firſt *Theſis* (had he at ſo great a diſtance remembred it) which extends Church-Autority only to Eccleſiaſtical Cenſures,

* Heylins Ref. Juſtified, part. 1. §. 6.

which

which have reference to things not of this, but the next World.

Theſe are the Inferences which I find deduc'd, from his firſt and ſecond *Theſes* in the ſeveral parts of this Diſcourſe, which had they been as concluſive, as they are falſe, yet I do not find but that his own party (if that be the *Roman Catholick*) had ſuffer'd moſt by them. For if the Supremacy given to King *Henry* was ſo great an Invaſion of the Churches right, what ſhall we think of that Roman Catholick Clergy, who ſo Sacrilegiouſly inveſted him with this *Spiritual* power? If that Synodical Act was betraying the truſt which the Clergy had receiv'd from Chriſt, what ſhall we think of thoſe Paſtours, who ſo unfaithfully manag'd the *Depoſitum* of their Saviour? If denying the Popes Authority was ſo piacular a Crime, what Opinion ſhall we entertain of thoſe Religious Perſons in *Monaſteries*, who profeſſing a more then ordinary Sanctity, and being obliged by the ſtricteſt Vows of Obedience ſo *reſolutely abjur'd it? What of thoſe Learned in the * *Univerſity*, who after a ſolemn debate, and ſerious diſquiſition of the cauſe, ſo peremptorily defin'd againſt it? What of the * Whole Body of the Clergy, whoſe proper Office it is *to determine ſuch Controverſies,* Pag. 2. *and to judge what is Gods Word, and divine Truth, what are* §. 2. *Errors*, who in full *Synod* ſo Unanimouſly rejected it? What of the leading part of thoſe Prelates, *Gardiner, Bon-*

* Burn Ref l. 3. p. 182.

* Convocatis undique dictæ Academiæ Theologis, habitoque complurium dierum ſpatio ac deliberandi tempore ſatis ampl, quo interim cum omni qua potuimus diligentia, Juſtitiæ zelo, religione & conſcientia incorrupta perſcrutaremur tam Sacræ Scripturæ libros quam ſuper iiſdem approbatiſſimos Interpretes, & eos quidem ſæpe & ſæpius à nobis evolutos, & exactiſſime collatos, repetitos, & examinatos, deinde & diſputationibus ſolennibus palam ac publice habitis & celebratis tandem in hanc Sententiam unanimiter omnes convenimus ac concordes fuimus *viz.* Romanum Epiſcopum majorem aliquam Juriſdictionem non habere ſibi à Deo collatam in ſacra Scriptura in hoc Regno Angliæ quam alium quemvis Epiſcopum. Antiq. Oxon lib. 1. pag. 259.

* Ref. l. 2. p. 142. * Ibid. p. 137.

ner, and *Tonſtal*, who Wrote, Preach'd, and Fram'd Oaths againſt it? What of the *Nobles and Commons, Perſons of preſum'd Integrity, and Honour, who prepared the Bill againſt it? What laſtly of the *Sovereign* a declar'd Enemy of the Lutheran Doctrine, and Defender of the Roman Catholick Faith, who paſt that Bill into a Law, and guarded the Sanction of it with Capital puniſhments? If all theſe acted ſincerely, then it is not the Doctrine of the *Reformed*, but of the *Romaniſts* which is written againſt: If not, we ſeem to have juſt præjudices againſt a Religion which had no greater influence over its Profeſſors, then to ſuffer a whole Nation of them perfidiouſly to deny that, which if it be any part, is a main Article of their Faith? But to return to our Author, What ſhall we judge of his skill in Controverſie who from Principles aſſum'd *gratis*, draws Deductions which by no means follow, and which if they did follow, would be the greateſt Wound to that cauſe which he pretends to Patronize? But becauſe he has offer'd ſomething under this firſt *Theſis*, why the Prince ſhould pay an implicit Obedience to his Clergy, I come now to conſider it. "He tells us there-
"fore that the Prince profeſſeth Himſelf with the reſt of
"the Chriſtians as to the knowing of Spiritual Truths
"a Subject and Scholar of the Church; and he earneſtly
"claims a Supreme power and confeſſeth an Obligation
"from God over all Perſons in all *Spiritual* Matters to
"bind them upon Temporal Puniſhments to Obedience
"of the *Churches* (or *Clergy's*) Determinations and De-
"crees. But here he either willingly miſrepreſents, or ignorantly miſtakes our Principles; For the Prince claims a ſupreme power over all perſons, to bind them by temporal Puniſhments to the Obedience not of the *Churches*, but of *Chriſts* Laws; or of the *former*, no farther then they are agreeable with the *latter*. But, ſaith He, if

* Ibid. p. 144.

"if the Prince meaneth here only where himself first "judgeth such their Decrees Orthodox and right, this "power is in effect claim'd to bind all persons in all Spi- "ritual matters only to his *own* Decrees; whilst he præ- "tends an Obligation both of himself and His Subjects "to the *Churches*. But, what if the Prince judge such rightly Decrees neither *Orthodox* nor *right*? Must he here give them the Autority of Civil Sanctions? This is to establish Iniquity by a Law; and a power is claim'd in effect to bind all persons to the Decrees of the *Clergy*, whilst, as has been said, He prætends an Obligation of Himself & Subjects to the Laws of *Christ*. But he goes on and tells us, "That all Texts of the New-Testament do ordain Obedi- "ence of Church-men to the *Pagan* Princes, that then "Reigned, no less then to *others*. From which I suppose he would infer an exemption from Obeying the Prince in *Spiritualibus*. But supposing that all Texts do æqually ordain Obedience to Princes *Pagan*, and *Christian*, yet the Obedience to a *Christian* Prince will be of greater latitude, since because he professes the true Religion, his Commands in *Spirituals* not contradicting our Saviours will exact our Compliance. Obedience in *licitis* is all the Subject ow's to a Prince either *Christian* or *Infidel*; but the *Christian* Prince will oftner challenge my Obedience, because he more rarely transgresseth the bounds of *licita*. If as he adds, "all Princes are oblig'd with the Sword "which God hath given them to protect and defend his "*true* Religion, and Service in their Dominions, when- "soever it offers it self to them; Since many Religions *offer* themselves, it becomes the Prince to take Care which is the *true*; and not to take, whatever is offer'd; which would be utterly destructive of our Authors Principles. As for the *Acts of Ancient Councils obliging even without the Emperours consent*, We own their Obligation

over their proper Subjects, ſo far as they were agreeable with the Laws of Chriſt, and his Apoſtles; and urge the Autority of Emperours no farther then as adding their *Civil* power to the *Spiritual* Power of the Church. And here we challenge no other Power to our Princes, then was exercis'd by Chriſtian Emperours, that is, to call Synods, and to have a liberty of confirming, or not confirming their Decrees by *Civil* Sanctions. As for what he cites out of our Writers, all amounts to no more then this, that there are ſome Offices peculiar to the Church; Which neither do we deny, nor did our Princes ever invade theſe Functions. But becauſe from hence He would inſinuate that the Prince has no power at all in Cauſes *Eccleſiaſtical*, & in his Citations from theſe Writers comes up to that Character which the * *Book of Education* gives us of *the SLY, the CLOSE, and the RESERV'D, who take notice of ſo much as ſerves to their own deſigns, and miſinterpret and detort what You ſay even contrary to Your intention*; I ſhall as briefly as may be ſhew that their Conceſſions are far from giving any Countenance to his Cauſe. Biſhop *Andrews* doth indeed ſay (as all other of our Church) *Poteſtatis mere Sacerdotalis ſunt Liturgiæ, Conciones.* i. e. *dubia legis explicandi munus*; *claves, Sacramenta, & omnia quæ poteſtatem ordinis conſequuntur*; But then there are other *Eccleſiaſtical* powers which he challenges to the Prince; *viz.* [a] To have Supreme Command in the exteriour Polity of the Church; [b] To be keeper of *both* Tables; [c] To exerciſe all that Power which the good Kings of Iſrael did; [d] To make Eccleſiaſtical Laws; To [e] delegate Perſons to judge in

* Book of Educ. Ox. 1677 p. 86.

a In iis, quæ Exterioris politiæ ſunt, ut præcipiat, ſuo ſibi jure vindicat, Tort. p. 380.

b Cuſtos eſt non modo ſecundæ Tabulæ, ſed & primæ. p. 381.

c Quodcunque in rebus Religionis Reges Iſrael fecerunt, id ut *Ei* faciendi jus ſit ac poteſtas. Ib.

d Leges Autoritate Regia ferendi, ne blaſphemetur Deus, ut jejunio placetur Deus; ut feſto honoretur. Ib.

e Delegandi qui de lege ſic lata judicent Ib.

cauſes

causes Eccleſiaſtical; To [f] puniſh the breach of thoſe Spiritual Laws; To [g] learn the will of God not only from the Mouth of the *Clergy*, but alſo from the *Scripture*; To [h] have autority over all Perſons; To [i] eject even the High Prieſt if he deſerve it; To [k] pull down High-places [l]; and to Reform the Church from Idolatry and Superſtition. Theſe He claims to appertain to the Prince [m] *Jure Divino.*

The next Author is Dr. *Carlton.* He amongſt other rights of the Church reckons *Inſtitution* and *Collation* of Benefices, which this Writer marks with *Italian Characters*, and makes much Uſe of. But this Apoſtolical *Inſtitution* and *Collation* by the Biſhop alluded to, doth alſo involve in it Ordination, even as the Ordination (which is obſerv'd by himſelf [n] from the Biſhop) ſignified alſo Inſtitution in the charge and cure. But the *Collation* challeng'd by our Princes is of another Nature, and ſignifies no more then the Nominating a Perſon to be Ordain'd to ſuch an *Office*, or preſenting a Perſon already Ordained to ſuch a *Benefice*; And the right of Inveſtitures (which is the ſame with ſuch a Collation) is by this Biſhop [o] aſſerted to Emperours. This being clear'd which was by him on purpoſe perplex'd, If we take the extent of the Regal power from this Biſhop, He tells [p] us, That Sovereign's as Nurſing Fathers of the Church are to ſee that Biſhops and all Inferiour Miniſters perform their faithfull duties in

f Siqui in Leges ita latas committant, etſi, Religionis cauſa ſit, in eos Autoritate Regia animadvertendi *Ib.*

g Non ut totus ab alieno ore pendeat, ipſe à ſe nihil dijudicet. Ib.

h Omnibus omnium ordinum jus dicendi. Ib.

i Abiathar ipſum, ſi ita meruit, Pontificatu abdicandi. 382.

k Excelſa diruendi. i. e. peregrinum cultum abolendi. Ib.

l Sive in Idololatriam abeat Vitulus aureus; ſive in Superſtitionem Serpens æneus, utrumque comminuendi. Ib.

m Hæc Primatus apud nos jura ſunt, ex jure divino. Ib.

n Pag. 13.

o Juriſd. Reg. Ep. p. 137.

p Id. p. 10.

their

their ſeveral places, and if they be found faulty to puniſh them.

His next Author is Mr. *Thorndike*, Who is as large as any one in the Vindication of the *Churches* rights; and Yet He tells us [q], that No Man will refuſe Chriſtian Princes the Intereſt of protecting the Church againſt all ſuch Acts as may prove præjudicial to the common Faith. He holds (as this Writer with great concern [r] obſerves) that the Secular power may reſtore any law, which Chriſt or his Apoſtles have ordained, not only againſt a *Major* part, but all the Clergy and Governours of the Church; and may, for a Pænalty of their oppoſing it, ſuppreſs their power and commit it to others, tho' they alſo be eſtabliſh'd by another Law Apoſtolical. Thus *that conſiderative man, who held not the Pope to be Antichriſt, or the Hierarchy of the Church to be followers of Antichriſt* [s].

Biſhop *Taylour* (his next Author) doth with the reſt aſſert, that the *Epiſcopal* Office has ſome powers annex'd to it, independent on the *Regal*; But then he farther lays down theſe Rules, [t] That the Supreme Civil-power is alſo Supreme Governour over *all* Perſons, and in *all* Cauſes; [u] Hath a Legiſlative power in Affairs of *Religion* and the *Church*; [x] Hath Juriſdiction in cauſes not only Eccleſiaſtical, but alſo Internal and *Spiritual*; [y] Hath autority to convene and diſſolve all Synods Eccleſiaſtical; [z] Is (indeed) to govern in Cauſes Eccleſiaſtical by the means and meaſure of Chriſt's Inſtitutions, *i. e.* by the Aſſiſtance and Miniſtry of Eccleſiaſtical Perſons; [a] but that there may happen a caſe in which Princes

q Epilog. pag. 391.
r Church Government, pag. 390.
s Church Government, pag. 391.
t Ductor Dub. l. 3. c. 3. r. 4.
u Ibid. r. 5.
x Ibid. r. 7.
y Ibid. r. 7. n. 9.
z Ibid. r. 8.
a Ibid. r. 8. n. 6.

may

may and *must* refuse to confirm the *Synodical* decrees, Sentences, and Judgments of Eccleſiaſtics; [b] That Cenſures Eccleſiaſtical are to be inflicted by the conſent and concurrence of the Supreme Civil power.

The next Author cited is the Learned Primate *Bramhal*; and We have here reaſon to wonder that one Who prætends to have been converſant in his Writings, dares appear in the Vindication of a Cauſe, which the Learned Author has ſo longe ſince ſo shamefully defeated. As for the *right* of Sovereign Princes, This Arch-Bishop will tell [c] him, "That to affirm that Sovereign Princes "cannot make Eccleſiaſtical Conſtitutions under a Civil "pain, or that they cannot (eſpecially with the advice "and concurrence of their Clergy aſſembled in a Natio-"nal Synod) reform errors and abuſes, and remedy In-"croachments, and Uſurpations in *Faith* or Diſcipline, is "contrary to the ſenſe and practiſe of all Antiquity, and as "for matter of *Fact* He will inſtruct him, [d] that our Kings "from time to time call'd Councils, made Eccleſiaſtical "Laws, punish'd Eccleſiaſtical Perſons, ſaw that they "did their duties in their calling &c. From this Bi-"shop's acknowledgment, that the Bishops are the proper Judges of the Canon, this Author that He may according to the Language of a * modern Pen, as well *waken the Taciturn with Quæſtions, as ſilence the Loquacious with baffling fallacies*, takes Occaſion briskly to ask whether "this Bishop doth not mean here that the Bishops "may both compoſe and execute Canons in the King's "Dominions, and uſe Eccleſiaſtical Cenſures by their "own Autority? But ſee, ſaith He, the Bishops depriv'd "of the former power in the Reformation. To which I anſwer that the power of which they were depriv'd

[b] Ibid. l. 3. c. 4. r. 8.
[c] Bp. Br. Works Tom. 1. p. 88.
[d] Ibid. p. 76.
* Educ. p. 98.

in the Reformation was only of *such* an executing the Canons as carried with it *pecuniary* and *corporal* Punishments, and this power the Bishop has told him they could not Exercise by their own Autority. And here it were to be wish'd that our Author in reading this Bishop's Works had made use of his advice, [e] *To cite Authors fully and faithfully, not by halves, without adding to, or new moulding their Autorities according to Fancy or Interest.*

The next Advocate against Regal Supremacy is King *Charles* the First; But if we may take a draught of that Blessed Martyr's Sentiments from his own *Portraiture*, "[f] He did not think his Autority confin'd to *Civil* Affairs, "but that the true glory of Princes consists as well in ad- "vancing Gods Glory in the maintenance of true *Reli-* "*gion*, and the *Churches* good; as in the Dispensation of "*Civil* power with Justice, and Honour, to the publick "Peace. [g] He thought himself (as *King*) intrusted by "God and the Laws, with the good both of *Church* and "*State*, and saw no reason why he should give up, or wea- "ken by any change, that power and Influence which in "right and reason He ought to have over *both*. He "thought himself oblig'd to preserve the Episcopal Go- "vernment in its right Constitution, (*not because his Bi-* "*shops told him so, but*) because his *Judgment* was fully sa- "tisfied that it had of all other the best *Scripture* grounds, "and also the constant practice of Christian Churches. He was no Friend of implicit Obedience, but after he has told the Prince, [h] that the best Profession of Religion is that of the Church of England, adds "I would have "your own *Judgment* and *reason* now seal to that Sacred "Bond which Education hath written, that it may be *ju-* "*diciously* your own Religion, and not other Mens *Custom*,

[e] Ibid. p. 156.
[f] Eik. Bασ. Adv. to the Pr. of Wales.
[g] Ibid. cap. 17.
[h] Adv. to the Pr. of Wales.

or

" or *Tradition*, which you profeſs. He did not give that glorious Teſtimony to the Religion eſtabliſhed in the Church of *England*, " that it was the *beſt* in the World, " not only in the community as *Chriſtian*, but alſo in " the ſpecial Notion as *Reformed*; and for this reaſon " *required* and *intreated* the Prince as his *Father*, and his " *King*, that he would never ſuffer his Heart to receive the " leaſt check againſt, or diſaffection from it; till he had firſt " *tried* it, and after *much ſearch, and many diſputes* thus concluded.

Theſe are the Sentiments of our Authors, in which if I have been over-long, the Reader will excuſe me, that I chooſe rather to intermix ſomething uſeful from theſe *great* Pens, then to entertain him altogether with the Paralogiſms and prevarications of this Writer. There is nothing that remains conſiderable under this firſt *Theſis*, but his *Sub-ſumption*, " that whatever powers belong'd " to the Church in times of perſecution, and before Em- " perours had embrac'd Chriſtianity, *are*, and *muſt* ſtill be " allowed to belong to her in Chriſtian States. Which I conceive not altogether ſo Neceſſary that it *muſt* be allowed, and I am ſure by our Authors it *is* not. As for Convening of Councils (the power of greateſt concern) Biſhop [i] *Andrews* to this Quæſtion (" What ſay you to " the 300 Years before *Conſtantine*? How went Aſſemblies " then? Who call'd them all that while?) returns this " Anſwer. Truly as the people of the Jews did before " in *Ægypt* under the tyranny of *Pharaoh*: They were " then a Church under perſecution, until *Moſes* was " rais'd up by God a Lawful Magiſtrate over them. The " caſes are alike for all the world. No Magiſtrate did " aſſemble them in *Ægypt*, and good reaſon why; they " had none to do it. But this was no barr, but when

i Serm. of the right of Aſſemblies.

" *Moſes* aroſe, authoriz'd by God, & had the Trumpets by " God deliver'd to him, He might take them, keep them, " uſe them, for that end, for wch God gave them, *to aſſemble* " *the Congregation* --- Shall *Moſes* have no more to do then " *Pharaoh?* or *Conſtantine* then *Nero?* See alſo [a] Dr *Field.*

His Third *Theſis* is, *That the Secular Prince cannot* [b] *depoſe or eject from the exerciſe of their Office in his Dominions any of the Clergy, nor introduce others into the place of the ejected.* But the Quæſtion here is not, Whether the Prince can *eject* any of the Clergy from the *Exerciſe of their Office*, but, Whether he can depoſe any for *not Exerciſing* it? While the Clergy faithfully diſcharge their Office, the Prince ought to protect them; and if for this they ſuffer, no doubt but they are Martyrs. But it is poſſible they may *abuſe* their power, and then it is to be enquir'd, Whether Civil Laws may not inhibit them the *Uſe* of it? This Author holds the Negative, and tells us 1*ſt.* They cannot eject them at pleaſure, without giving any cauſe thereof. But he doth not pretend that the Reforming Princes ever ejected any without a Cauſe given. And therefore he adds 2*ly*, Neither may Princes depoſe them for any Cauſe which concerns things *Spiritual*; but with this Limitation, without the conſent of the Clergy. I could wiſh he had here told us what he ment by things *Spiritual.* For things, as well as Perſons Spiritual are of great Extent. ([d] Pope *Paul* the 3*d* told the Duke of Mantua, that it is the Opinion of the Doctors, that Prieſt's Concubines are of Eccleſiaſtical Juriſdiction.) But he gives us his reaſon for his aſſertion; " Becauſe it is neceſſary that a Judge to be a " competent one have as well *poteſtatem* in *cauſam*, as in " *Perſonam*, and the Prince as has been mention'd in the " 1*ſt Theſis* has no Autority to judge ſuch Cauſes purely

[a] Field of the Church. l. 5 c. 52. [b] Soave Hiſt. of Conc. Tr. pag. 77.

" Spiritual.

"Spiritual. Now the power denied to the Prince in the 1*ſt Theſis* is to determine matters of Faith. But may not the Prince judge whether an Eccleſiaſtick deſerves Deprivation without determining a Matter of Faith? May not he judge according to what has been already determin'd by the Church? Or may not he appoint ſuch Delegates as can determine matters of Faith? Or are all the Cauſes, for which a Clergy-man may be depriv'd, merely Spiritual? By Virtue of this *Theſis* he proves the Ejection of the *Weſtern Patriarch* unlawful. Now pag. 37. was not this Matter of Faith already determin'd by the Clergy? Had they not unanimouſly decreed, That he had no more Autority here, then any other forreign Biſhop? And can the King be ſaid here to have acted *without the conſent of the Clergy*? And yet that matter of fact is applied to this *Theſis*. As for the Ejection of the Biſhops in King *Edward's* time; is not that confeſt to have been *for not acknowledging the Regal Supremacy*? pag. 70. But this was a matter which wanted no new Determination, for the *Church-Autority* had decided it in their Synod in King *Henry's* Reign. But it is ſaid, "the Judges "were not Canonical, as being the King's Commiſſio-"ners, part *Clergy*, part *Laity*. But neither was the cauſe purely Canonical; for denying the Supremacy was not only an infringment of the Canon, but alſo a Violation of an Act of Parliament. As for the Biſhops, *Bonner* and *Gardiner*, they were accus'd for not aſſerting the Civil power of the King in his Nonage. Nor do they plead Conſcience for not doing it, but deny the Matter of Fact *. The ſame Objections were then made againſt their Deprivation, as are reaſſum'd by this Author now; and therefore it may ſuffice to return the ſame anſwers. "That the Sentence being only of De-

* Burn. Hiſ. Ref. part. 2. l. 1. p. 127. 165.

"privation from their Sees, it was not ſo entirely of Ec-
"cleſiaſtical Cenſure, but was of a mix'd nature, ſo that
"Lay-men might joyn in it; & ſince they had taken Com-
"miſſions from the King for their Biſhopricks, by which
"they held them only during the Kings pleaſure, they
"could not complain of their Deprivation, which was
"done by the King's Autority. Others who look'd farther
"back, remembred that *Conſtantine* the Emp. had appoint-
"ed *Secular* Men to enquire into ſome things objected
"to Biſhops, who were call'd *Cognitores*, or *Triers*; and
"ſuch had examin'd the buſineſs of *Cæcilian* Biſhop of
"*Carthage*, even upon an Appeal, after it had been tried
"by ſeveral Synods; and given Judgment againſt *Dona-*
"*tus*, and his party. The ſame *Conſtantine* had alſo by
"his Autority put *Euſtathius* out of *Antioch*, *Athanaſius*
"out of *Alexandria*, and *Paul* out of *Conſtantinople*; and
"though the Orthodox Biſhops complain'd of their par-
"ticulars, as done unjuſtly at the falſe ſuggeſtion of the
"*Arrians*, yet they did not deny the Autority of the
Ibid. p. 127. "Emperors in ſuch caſes. But neither is the Arch-Bi-
ſhop of Canterbury by this Author allow'd to be a pro-
per Judge; & that, *becauſe He did not Act by his Canonical Superiority in the Church, but by the Autority he joyntly with the reſt receiv'd from the King*; As if he had ever the leſs the power of a Metropolitan, becauſe He was alſo the King's Commiſſioner. By this way of arguing the De-
crees of Oecumenical Councils will be invalid, becauſe they were call'd to determine Controverſies by the com-
mand of Emperors. But how Uncanonical ſoever King *Edward's* Biſhops are ſaid to have been, He does not ex-
cept againſt Queen *Mary's* Biſhops, tho' they in depriving the Reformed, acted by Commiſſion from the Queen. As for the Biſhops ejected in Q. *Elizabeth's* time, it has been already ſaid it was for a Civil cauſe, *i. e.* refuſing the
Oath

Oath of Supremacy; which why it ſhould be lawful in her Father's time, and unlawful in her's; why it ſhould be contriv'd by Roman Catholics in *that* Reign, and ſcrupled by the ſame Roman Catholics in *this*; Why it ſhould be inoffenſive, when expreſt in larger terms, and ſcandalous, when mitigated; whence on a ſudden the Refuſers eſpied ſo much Obliquity in that Oath, which they had all took before probably either as Biſhops or Prieſts in the reigns of King *Henry* the 8*th*, and *Edward* the 6*th*; whence this change of things proceeded, unleſs from ſecret intimations from Rome, or their own Obſtinacy, will not eaſily be conjectur'd. As for his *Note*, *that what is ſayd of the other Clergy, may be ſaid likewiſe of the Patriarch, for any Autority which he ſtands poſſes'd of by ſuch Eccleſiaſtical Canons, as cannot juſtly be pretended to do any wrong to the Civil Government.* He has been often told by our Authors, that *Patriarchs* are an Humane Inſtitution; That as they were erected, ſo they may be diſſolv'd by the Prudence of Men; that as they were erected by leave and confirmation of Princes, ſo they may be diſſolv'd by the ſame; that the Biſhop of Romes Patriarchate doth not extend beyond the ſub-urbicary Churches; that we are without the reach of his Juriſdiction, and therefore that the power claim'd over us is an Invaſion; that did not Popes think fit to diſpence with themſelves for Perjury, having ſworn to keep inviolably the Decrees of the Eight firſt General Councils, they would not in plain oppoſition to the [a] *Nicene* and [b] *Epheſine*

[a] Τὰ ἀρχαῖα ἔθη κρατείτω. Can. 6. Ὁμοίως δὲ καὶ τὴν Ἀντιόχειαν ἢ ἐν ταῖς ἄλλαις ἐπαρχίαις τὰ πρεσβεῖα σώζεσθαι ταῖς Ἐκκλησίαις. Can. 7. Here the Council decrees that Ancient Cuſtoms ſhould prevail; that the Priviledges of all Churches in their diſtinct Provinces ſhould be kept inviolable. We deſire the Biſhop of *Rome's* Patriarchate over the *Britannic* Churches ſhould be prov'd to be an Antient Cuſtom; and if not that the Priviledges of theſe Churches may be preſerv'd.

[b] The Fathers of the *Epheſine* Council having decree'd that the *Cyprian* Prelates ſhould hold their rights untouch'd and unviolated, according to the Canons of the Holy Fathers, and the Ancient Cuſtoms, Ordaining

sine Canons pretend to any Jurisdiction over us; That they so invading ought to be judg'd by a free Oecumenical Synod if such an one could be had; but that this Remedy being præcluded us, Each National Church has liberty to free her self from such Usurpation; that the Church of *England* pleads the benefit of this Right; and her Sovereigns having power to transfer Bishopricks, might remove the Patriarchate from *Rome* to *Canterbury*, and justly exclude any forreign Prælate from Jurisdiction within their Territories; But that the power claim'd by the Pope (however mollified by the Novices of that Church) is more then *Patriarchal*, and that it is not our Rule (which this Author so much dislikes) but Pope *Leo's* the [c] 1*st*, that *propria perdit, qui indebita concupiscit.* This plea of a Western Patriarchate is fatally confounded by that one plain Period of Bishop [d] *Bilson.* "As for his Patriarchate, by God's law he *hath* none; in "this Realm for Six Hundred years after Christ he *had* "none; for the last 6 Hundred years looking after greater "matters he *would have* none; Above or against the Princes "Sword he *can* have none; to the subversion of the "Faith, and Oppression of his Brethren he *ought to have* "none; He must seek farther for Subjection to his Tri-"bunal; this land *oweth* him none.

So much for the first branch of this *Thesis*; the 2*d* is,

Ordaining their own Bishops, and that the Bishop of *Antioch* who then pretended Jurisdiction over them, (as the Bishop of Rome now doth over us) should be excluded, add farther. Τὸ δὲ αὐτὸ καὶ ἐπὶ τῶν ἄλλων διοικήσεων καὶ ἐπαρχιῶν παραφυλαχθήσεται· ὥστε μηδένα τῶν θεοφιλεστάτων Ἐπισκόπων ἐπαρχίαν ἑτέραν οὖσαν ἀναθεν ἢ ἐξ ἀρχῆς ὑπὸ τὴν αὐτοῦ ἦγεν τῶν πρὸ αὐτοῦ χειρα καταλαμβάνειν, ἀλλ' εἰ καὶ τις μεταλαβεῖν, ἢ ὑφ' ἑαυτῷ πεποίηται βιασάμενος τοῦτον ἀποδιδόναι &c. Conc. Eph. Can. 8. Let the same be observ'd in other Dioceses, and all Provinces every where, That no Bishop occupy any other Province, which formerly and from the beginning was not under the power of him or his Predecessors. If any do occupy any Province, or subject it by force, let him restore it. Now we plead the Cyprian Priviledges, and desire we may be exempted from the Jurisdiction of the *Bishop* of Rome till it is prov'd that He or His Predecessors did from the Beginning exercise any power in these Churches.

[c] Ep. 54.
[d] True Dif. part. 2.

that

that *as the Prince cannot eject, or depose the Clergy, so neither can he introduce any into the place of those, who are ejected, or deceas'd without the concurrence of the Clergy.* If by the *concurrence* of the Clergy, he means that the Person assign'd by the Prince to any sacred office cannot execute it till he be *ordain'd* by the Clergy, No one will deny it; Or if he think that the Ordainer ought to lay hands on none but whom he esteems fit for the discharge of so sacred an Office; here also we agree with him; But how doth it follow that becaufe Ordination, which is consecrating Men to the work of the Holy Ministry, is the proper Office of the Clergy, the Prince may not recommend to the Church a fit Person so to be consecrated, or assign to the Person already consecrated, the place where he shall perform that Holy Work? As for the Canons by him alledg'd, they being Humane Institutions are not of Æternal Obligation, but changeable according to the different State of the Church. If the 31*st* Apostolick Canon, which excommunicates all who gain Benefices by the Interest of Secular Princes, and forbids the People to communicate with them, still oblige; then we are exempted from Communion with the Bishop of Rome. How comes the latter part of the 6*th* Canon of the Nicene Council which concerns the Election of Bishops still to be valid, and the former part, which limits the Jurisdiction of Patriarchs, so long since to be null? Why must the C. of England accept the 2*d*. Nicene Council in matters of Discipline, which the * Gallican Church rejected in matters of *Faith*? Were the Canon of the *Laodicean* Council, here cited, pertinent to the purpose, as it is not, (it being directed only against popular Elections) yet why must that be indispensable, when another Canon, which enumerates the Canonical books of Scripture,

* Petr. de Marc. l. 6. c. 25. §. 8.

has so little Autority? It is plain the manners of Elections have varied much in the divers States of the Church. The Apostles and Apostolical Persons nominated their Successors; afterwards Bishops were chose by the Clergy, and the people; after, by the Bishops of the Province, the Metropolitan ratifying the choice; In process of time Emperors, when become Christian, interpos'd and constituted and confirm'd even Popes themselves*. Nor is this Power of Princes repugnant to Holy Scripture, in which we find that * King Solomon put *Zadok the Priest in the Room of Abiathar*; That* Jehosaphat set *Amariah the Chief-Priest over the People in all matters of the Lord*: That *He* set of the Levites, and of the Priests, and of the Chief Fathers of Israel, for the Judgment of the Lord, and for Controversies.* As for his alledg'd Inconvenience, that, *if temporal Governors can place, and displace the Clergy, they will make the Churches Synods to state divine matters according to their own minds, and so the Church will not be præserv'd incorrupt in her Doctrine and Discipline*, They who maintain the just rights of the Prince are not obliged to defend the abuse of them; there is perhaps no power ordain'd for our good, which may not be perverted to mischief; were this right of placing and displacing left to a *Patriarch* or a Synod, yet either of these might so manage their trust that a corrupted majority of Clergy might state divine matters according to their own minds, and so the Doctrines of Christ be chang'd for the Traditions of men. But to these objected Injuries which the Church may suffer from a bad Prince, we ought to oppose the benefit she receives from the Protection of a good one; Nor is it more true that *Constantius an Arrian, by his unjustly displacing the Orthodox Bishops, procur'd Arrianism to be voted in several Eastern Synods*, then that the succeeding Emperors by

* Marca. de Conc. Imp. & Sac. cap. 8. * 1 King. c. 2. v. 35. * 2 Chr. 19. 11. * v. 8.

justly

juſtly diſplacing the Arrian Biſhops procur'd the Nicene Faith to be receiv'd in ſucceeding Synods. But for theſe miſchiefs, which a National Synod is liable to, our Author has found out, as he thinks, a Remedy in his

Fourth Theſis, *That a Provincial, or National Synod may not lawfully make any definitions in matters of Faith, or in reforming ſome Error, or Hereſy, or other abuſe in God's Service contrary to the Decrees of former Superior Synods, or contrary to the judgment of the Church Univerſal of the preſent Age ſhew'd in her publick Liturgies.* But there is a *Theſis* in our Bibles, which ſeems to me the very contradictory of this. For ſaith the Prophet expreſly, * *Though Iſrael tranſgreſs, yet let not Judah Sin.* Tho' ten tribes continue corrupted in their Faith, yet let the remaining Tribe take care to reform her ſelf. For that *Judah* had ſinned, and conſequently was here commanded to *reform* is plain from the words of Scripture, where it is ſaid, that * *Judah kept not the Commandments of the Lord her God, but walk'd in the Statutes of Iſrael which they made.* But this argument of *National* Councils reforming without the leave of *General* has been manag'd with ſo great Learning and Demonſtration by Arch-Biſhop *Laud* in his Diſcourſe with *Fiſher*, and his Lordſhip's Arguments ſo clearly vindicated by the Reverend D. *Stillingfleet*, that as it is great Præſumption in this Author to offer any thing in a cauſe which has had the Honour to have ſuffer'd under thoſe Pens, ſo neither would it be modeſt in me to meddle any farther in a Controverſie by them exhauſted. I ſhall therefore proceed to his

Fifth Theſis, *That could a National Synod make ſuch Definitions, yet that a Synod wanting part of the National Clergy unjuſtly depos'd, or reſtrained; and conſiſting partly of perſons unjuſtly introduc'd, partly of thoſe who have been firſt threatned with Fines, Impriſonment, and deprivation, in caſe of their Non-conformity to the Princes Injunctions in matters purely*

* Hoſ. 4. 15. * 2 King. c. 17. v. 9.

Spiritual, is not to be accounted a lawful National Synod, nor the Acts thereof free and valid; especially as to their establishing such Regal Injunctions. Now how this is pertinent to our case I can by no means conjecture. For it has been shew'd that neither were the Anti-reforming Bps. unjustly depos'd, nor the Reformers unjustly introduc'd. But what he means by the Clergy's being threatned with *fines, imprisonment*, and Deprivation in case of their Non-conformity to the Prince's Injunctions may be learnt from another passage in his Discourse, where he tells us that the Clergy being condemn'd in the Kings Bench in a *Præmunire* for acknowledging the Cardinal's power Legantine, and so become liable at the King's pleasure to the *Imprisonment* of their Persons, and *Confiscation* of their Estates, did to release themselves of this *Præmunire*, give the King the title of *Ecclesiæ & Cleri Anglicani Protector, & Supremum caput.* Which Act, saith he, so passed by them, that, as Dr. *Hammond* acknowledges, It is easie to believe that Nothing but the apprehensions of dangers, which hung over them by a Præmunire incurred by them could probably have inclined them to it. But here we have great reason to complain of the unpardonable prævarication of this Author in so foully misrepræsenting Dr. *Hammond.* Which that it may be the more perspicuous, and that the Reader may make from this Instance a true judgment of this Writer's sincerity, it will be necessary to transcribe the whole passage as it lies in the Doctor. * "Though the first act of the Clergy in this "was so introduc'd, that it is easie to believe that nothing "but the apprehension of dangers which hung over them "(by a Præmunire incurr'd by them) could probably have "inclin'd them to it, and therefore I shall not pretend "that it was perfectly an Act of their first will and choice, "but that which the Necessity of affairs recommended

pag 26.

* Sch c 7. §. 5.

"to

"to them, Yet the matter of right being upon that oc-
"caſion taken into their moſt ſerious debate in a Synodi-
"cal way, and at laſt a fit and commodious expreſſion uni-
"formly pitch'd upon by joynt conſent of both Houſes of
"Convocation, there is no reaſon to doubt, but that they
"did believe what they did profeſs, their fear being the
"Occaſion of their Debates, but the Reaſons and Argu-
"ments obſerv'd in debate, the cauſes, as in all Charity
"we are to judge, of their Deciſion. Thus the Doctor.
Now this Prevarication is the more culpable, becauſe it is not an Original, but copied from Mr. *Sergeant*, whom this Writer cannot but be præſumed to have known to have falſified it. For Biſhop *Bramhal* (in whoſe writings we find him very converſant) had detected this miſ-quotation in Mr. *Sergeant*, and ſeverely Reprimands him for it. His words are ſo applicable to our Author, that I cannot excuſe my ſelf the Omiſſion of them.* "He citeth half
"a paſſage out of Dr. *Hammond*, but he doth Dr. *Hammond*
"notorious wrong. Dr. *Hammond* ſpeaketh only of the
"firſt Preparatory Act which occaſion'd them to take the
"matter of right into a ſerious debate in a Synodical way;
"he applieth it to the ſubſequent Act of renunciation af-
"ter debate. Dr. *Hammond* ſpeaketh of no fear but the fear
"of the Law, the Law of *Præmunire*, an Ancient Law
"made many ages before *Henry* the 8*th* was born, the *Pal-*
"*ladium* of England to preſerve it from the Uſurpations
"of the Court of *Rome*; but Mr. *Sergeant* miſ-applieth it
"wholly to the fear of the King's violent cruelty. Laſtly,
"he ſmothers Dr. *Hammond's* ſenſe expreſs'd clearly by
"himſelf, that *there is no reaſon to doubt, but that they did*
"*believe what they did profeſs, the fear being the Occaſion*
"*of their debates, but the reaſons or Arguments offer'd in de-*
"*bate, the cauſes (as in all charity we are to judge) of their*
"*Deciſion.* He uſeth not to cite any thing ingenu-

* *Bp. Br. Wor. Tom.* 1. *p.* 360.

ouſly. This Author muſt be thought to have read theſe paſſages, and yet ventured the ſcandal of promoting this Forgery, tho' without the Honor of being the firſt Inventor of it. Such practiſes, as theſe, require little *Controverſial skill*, but much *fore-head*; and we have ſeen a Machine lately publickly expos'd for this laudable Quality of imbibing whatever is blown into it's Mouth, and then ecchoing it forth again without bluſhing. Whether this be not our Author's Talent, let the Reader judg; as alſo what Opinion we ought to have of his Modeſty, who after all this has the confidence to deſire us *to read, together with theſe his Obſervations on the Reformation*, Dr. *Hammond of Sch.* c. 7. (the very Chapter whence this is cited) *leaſt*, ſaith he, *I may have related ſome things partially, or omitted ſome things conſiderable in this Matter.* As for this Objection of the Clergy's being aw'd by fear in this Act, he himſelf has unluckily cited a paſſage from the (then) Lady *Mary*, which ſhews the vanity of it. "I am well aſſur'd (ſaith "She ſpeaking of *Edward VI.* in her Letter to the Council) "that the King his Father's Laws were conſented to *with-*"*out compulſion* by the whole Realm both *Spiritual* and "*Temporal.* I ſhall ſay nothing more to this *Theſis* but oppoſe another to it, *That could an Oecumenical Synod make definitions contrary to the word of God, yet that a Synod wanting the greateſt part of Chriſtian Biſhops, unjuſtly excluded, and conſiſting partly of Perſons unjuſtly introduc'd, partly of thoſe who have been firſt bribed with Mony, and promiſes of Church-præferment, or præengag'd by Oaths to comply with the Uſurpations of a prætended Spiritual Monarch, is not to be accounted a lawful Oecumenical Synod, nor the Acts thereof free and valid, eſpecially as to their eſtabliſhing ſuch uſurpations.* This is a *Theſis*, which needs no Application. I proceed to his

p. 142.

Sixth *Theſis. That the Judgment and conſent of ſome Clergymen of a Province, when they are the leſſer part, cannot be call'd the*

the judgment and consent of the Whole Clergy of the Province. This Assertion, that a lesser part is not æquall to the Whole, is the only thing which looks like Mathematics in the whole Discourse; and the Reader may hence be convinc'd that our Author doth sometimes travel in the * *High road of Demonstration.* But here we desire it may be prov'd, either that the Reformation was not effected by the *major* part of the Clergy, or that a *minor* part judging *according* to truth are not to be obey'd rather then the *Major* part judging *contrary* to it. In the mean time it is easily reply'd, that the judgment and consent of some few Bishops (* suppose 48. Bishops, and 5. Cardinals giving Canonical Autority to books Apocryphal, and making Authentical a translation differing from the Original) cannot be esteem'd the judgment and consent of the Catholic Church.

7*th.* Thesis. *That since a National Synod may not define matters of Faith contrary to former Superior Councils, much less may any Secular Person define contrary to those Councils, or also to a National Synod.* The defining matters of Faith we allow to be the proper office of the Clergy; but because every one must give an account of his own Faith, every one is oblig'd to take care that what he submits to the belief of, be consistent with his Christianity: I am oblig'd to pay all submission to the Church-Autority, but the Church having bounds, within which she ought to be restrain'd in her Determinations, if she transgresses these Limits, and acts against that Christianity, which she professes to maintain, I may rather refuse obedience, then forfeit my Christianity. If in a cause of this moment I make a wrong Judgment, I am answerable for it at Gods Tribunal, not because I usurped a right, which was never granted me, but because I misus'd a Liberty which was in-

* *Educ.* p. 119. * Soave Hist. Conc. Tr. p. 153.

dulg'd

dulg'd me. This we take to be the caſe of each private Chriſtian; and farther, that the Prince having an Obligation not only to believe a-right, and Worſhip God (as is præſcrib'd) himſelf, but alſo to protect the true Faith and Worſhip in his Dominions, ought to uſe all thoſe means of diſcovering the Truth, which God has afforded, *viz.* conſulting the Paſtours of the Church, reading the word of God *&c.* And that, having diſcover'd it, He may promulgate it to His Subjects by them alſo to be embrac'd, but not without the uſe of that Judgment and Diſcretion which to them alſo is allowed. If here it happens that the Civil and Eccleſiaſtical power command things contrary, there is nothing to be done by the Subject but to enquire on which ſide God is; and if God be on the King's ſide by a direct Law in the matter, He is not on the Churches ſide for her Spiritual Autority. Thus a good King of Iſrael might* *take away the High places and Altars, and ſay unto Judah and Jeruſalem, Ye ſhall Worſhip before the Altar at Jeruſalem*, becauſe ſuch a Command was juſtifiable by the Law of *Moſes*; Nor is it any Præjudice againſt it,* *That the Prieſts of the High places refus'd to come up to the Altar at Jeruſalem.* Thus might King *Alfred* reſtore to the Decalogue, and to its Obligation the *Non tibi facies Deos aureos*, tho' Veneration of Images was commanded by the ſecond *Nicene* Synod. And tho' the Councils of *Conſtance* and *Trent* had thought fit to repeal Our Saviour's Inſtitution, yet King *Edward* might revive the Ancient Statute, * ἐκ τύτυ πίσθε πάντες.

As for his Eighth *Theſis* it has already been prov'd to be *Felo de ſe*, and that the limitation deſtroys whatever the Propoſition would have eſtabliſh'd. When the *Gallican* Church ſhall have receiv'd all the Decrees of the Council of *Trent*, and the *Roman* Church obſerved the Canons of the firſt General Councils, When the *Weſtern Patriarch*

* 2 King. 38. 22. * 2 King. 23. 9. * Mat. 26. 27.

triarch ſhall have rechang'd his *Regalia Petri* into the old *regulas Patrum*; it may then be ſeaſonable to examine, How far National Churches are oblig'd by things of meer Eccleſiaſtical Conſtitution.

I ſhould now proceed to examine the *Hiſtorical* part of his Diſcourſe; but *that* I underſtand is already under the Conſideration of another Hand, from which the Reader may ſhortly expect a ſatisfactory account. But I may not omit for the Reader's diverſion a Grammatical Criticiſm which our Author hath made upon the little particle *as*. It is enacted the 32*d*. *Hen*. 8. 26. *c*. "That pag. 38. "all ſuch Determinations, Decrees, Definitions and Or- "dinances, *as* according to God's word, and Chriſt's Goſ- "pel ſhall at any time be ſet forth by the Arch-Biſhops, "Biſhops, and Doctors in Divinity appointed by his Ma- "jeſty, or elſe by the whole Clergy of England, in and "upon the matters of Chriſt's Religion *&c*. ſhall be by "all his Grace's Subjects fully Believ'd, Obey'd, &c. *Upon* "*which he makes this learned Note.* Whereas under the "Reformation private Men are tied only to obey and "believe the Definitions of Councils when they are ſet "forth according to God's word. *i. e.* when private Men "think them to be ſo, yet here this Liberty was thought "fit to be reſtrain'd, and private men tyed to believe theſe "Definitions when ſet forth *as* according to God's word. "*i. e.* when the ſetters forth believe them to be ſo. To "obey a thing defin'd according to God's word, and "to obey a thing defin'd, *as* being according to God's word, are Injunctions very different. Now a little skill in *Honeſt Walker's* particles would have clear'd this point, and a School-boy that was to turn this paſſage into Latin, would have known that *as* is put for *which*; Accordingly *Keble* abridging this Statute makes it run thus, All Decrees and Ordinances *which* according to Gods word, &c. But this it is for people to meddle in Controverſie at an Age when they have forgot their

Grammar. Notwithſtanding therefore this *Ariſtarchus*, We ſtill retain the Liberty of believing and obeying only ſuch things, which be defined according to God's Word. For which we are much blamed in the Concluſion of this Diſcourſe.

* *In rejection of the Churche's Judgment* (ſaith he) *let none think himſelf ſecure in relying on the Teſtimony of his Conſcience or judgment.* But what reaſon ſoever he may have to undervalue the Teſtimony of a good Conſcience, we think it adviſable from St. *Paul*,* to *hold faith, and a good conſcience which ſome having put away, concerning faith have made Ship-wrack; Of whom are*--- But ſaith he, *let none think himſelf ſecure in any of theſe things, ſo long as his Conſcience witneſſeth ſtill to him this one thing, namely his Diſobedience and Inconformity to the Church-Catholic.* But our Conſciences do not witneſs to us any diſobedience to the Church Catholic, but only to that Church which falſly prætends to be Catholic. He means *to the Major part of the Guides thereof.* But the cauſe has not yet been decided by Poll, that we ſhould know which ſide has the Majority. *Let him know that his Condition is very dangerous, when he maketh the Church-Guides of his own time, or the major part thereof, incommunicable-with in their external profeſſion of Religion*; There was a time then, when to believe the Conſubſtantiality of the Son was a dangerous Condition; and this perhaps made Pope *Liberius externally* to profeſs Arrianiſm. *When for the maintaining of his Opinions he begins to diſtinguiſh and divide between the doctrine of the Scripture, and the Doctrine of the Church.* But why not diſtinguiſh, where the Church her ſelf diſtinguiſhes, and ſaith, *Chriſt indeed in the Scriptures inſtituted ſo, but I inſtitute otherwiſe*; as in the caſe of denying the Cup. *Between the Doctrines of the Catholic Church of the former ages, and of the Catholic Church of the preſent.* But here again the Church

* p. 260. * 1 Tim. c. 1. v. 19.

her

her ſelf diſtinguiſhes, when She tells us that* *licet in primitiva Eccleſia ſub utraque ſpecie Sacramentum reciperetur*, Yet now the contrary Cuſtom *habenda eſt pro lege quam non licet reprobare. Between the Church's orthodoxneſs in Neceſſaries, and non-neceſſaries to Salvation.* If there be no difference betwixt theſe, why doth a *Friend of the Author tell us of an Obedience of *Aſſent* in the one, but of *Non-contradiction* only in the other? *When he begins to maintain the Autority of an Inferior Eccleſiaſtical Judge againſt a Superior.* But what if this be only where the Inferior Judge agrees tho' not with his immediate Superior, yet with the Supreme? *Or of a minor part of the Church-Guides againſt a Major.* But that is not a caſe yet fairly decided. *When they grant that God hath given them, beſide the Scriptures, guides of their Faith.* But thoſe Guides themſelves to be guided by the Scripture. *And that they have in their judgment departed from thoſe Guides.* i. e. *the major part of them.* But this we would have prov'd. *Which in a Court conſiſting of many is the legall Judge.* Guides and Judges are different things; but we hope when this Court ſits, the Judges will conſult the Scripture, the *Statute* they are to go by, and if they judge according to that, they will judge well.

Theſe are the Doctrines of blind-Obedience which this Author ſo ſtudiouſly inculcates. For ſince Doctrines are taught us different from Scripture, we are advis'd to uſe another way of diſcerning Doctrines, then what the Goſpel preſcribes. Our Saviour bids us,* *Beware of the leaven.* i. e. *the doctrine of Phariſee's, tho' ſitting in Moſes his Chair.* We are now advis'd to embrace all the doctrines of thoſe that ſit in the Chair of S. *Peter.* Chriſt bids us,* *Take heed that no man deceive us* tho' *coming in his Name.* We are now told that they who come to us in the Name of Chriſt

* Conc. Conſt. Seſſ. 13. * Guide in Controv. Diſc. 1. c. 6. par. 56. * Mat. 16. 6. 12. * Mat. 24. 4.

 cannot

cannot deceive us. St. *Paul* ſaith, * that *If an Angel from Heaven preach to us any other Doctrine then that which he preach'd, Let him be accurs'd.* Now, if we do not embrace whatever a Patriarch from the Weſt preaches, tho' never ſo contrary to the Goſpel, we are concluded under an Anathema. The Apoſtles tell us, that they * *have no Dominion over our Faith;* but their Succeſſors exerciſe a Deſpotic power in requiring a ſervile Obedience to all their Dictates. S. *Paul's* practiſe was to * *withſtand Peter to the face, When he ſaw that he walk'd not uprightly according to the truth of the Goſpel*; but St. *Peter's* Succeſſor pleads that in no caſe he may be withſtood, becauſe it is impoſſible, but that he ſhould walk uprightly in the truth of the Goſpel. The inſpir'd Divine bids us * *Come out of Babylon, that we may not partake of her Sins;* Our modern Theologiſts adviſe us to come back into * *Babylon*, for that She only is impeccable.

* Gal. 1. 8. * 2 Cor. 1. 24. * Gal. 2. 11. 14. * Rev. 18. 4.
* Babylonia apud Joannem Romanæ urbis figura eſt. Tertul. adv. Marc. l. 3. c. 13. | Roma quaſi ſecunda Babylonia eſt. Aug. de Civit. Dei. l. 18. c. 2.

FINIS.